

House File 556 - Reprinted

HOUSE FILE 556
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 193)

(As Amended and Passed by the House March 18, 2013)

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 3.4, Code 2013, is amended to read as follows:

3.4 Bills — approval — passage over veto.

1. If the governor approves a bill, the governor shall sign and date it; if the governor returns ~~it~~ the bill with objections and it afterwards passes as provided in the Constitution, a certificate, signed by the presiding officer of each house in the following form, shall be endorsed ~~thereon~~ on or attached ~~thereto~~ to the bill:

~~"This~~ This bill (or this item of an appropriation bill, as the case may be), having been returned by the governor, with objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and nays by a vote of two-thirds of the members of each house, has become a law this ... day of".

2. An "*appropriation bill*" means a bill which has as its primary purpose the making of appropriations of money from the public treasury.

Sec. 2. Section 8A.402, subsection 2, paragraph g, subparagraph (1), subparagraph division (c), Code 2013, is amended to read as follows:

(c) In this paragraph "*g*", executive branch agencies, except the department of public safety, shall not grant a supervisory employee ~~with~~ the right to replace or bump a junior employee not being laid off for a position for which the supervisory employee is qualified.

Sec. 3. Section 9I.12, Code 2013, is amended to read as follows:

9I.12 Penalty — failure to timely file.

A civil penalty of not more than two thousand dollars shall be imposed, for each offense, upon a nonresident alien, foreign business or foreign government, or an agent, trustee or other fiduciary thereof, who fails to timely file the registration as

1 required by section 9I.7, or who fails to timely file a report
2 required by section 9I.8 ~~shall, for each offense, be punished~~
3 ~~by a fine of not more than two thousand dollars.~~

4 Sec. 4. Section 10B.4, subsection 2, paragraph g, Code 2013,
5 is amended to read as follows:

6 g. If the reporting entity is a life science enterprise, as
7 provided in chapter 10C, Code 2011, ~~as that chapter exists on~~
8 ~~or before June 30, 2005,~~ the total amount of commercial sale
9 of life science products and products other than life science
10 products which are produced from the agricultural land held by
11 the life science enterprise.

12 Sec. 5. Section 11.41, subsection 1, Code 2013, is amended
13 to read as follows:

14 1. The auditor of state, when conducting any audit or
15 ~~review~~ examination required or permitted by this chapter,
16 shall at all times have access to all information, records,
17 instrumentalities, and properties used in the performance of
18 the audited or ~~reviewed~~ examined entities' statutory duties
19 or contractual responsibilities. All audited or ~~reviewed~~
20 examined entities shall cooperate with the auditor of state in
21 the performance of the audit or ~~review~~ examination and make
22 available the information, records, instrumentalities, and
23 properties upon the request of the auditor of state.

24 Sec. 6. Section 15.330, subsection 9, Code 2013, is amended
25 to read as follows:

26 9. A report submitted to the authority by a business
27 together with its application describing all violations of
28 environmental law or worker safety law within the last five
29 years. If, upon review of the application, the authority
30 finds that a the business has a record of violations of the
31 law, statutes, rules, or regulations that tends to show a
32 consistent pattern, the authority shall not provide incentives
33 or assistance to the business unless the authority finds either
34 that the violations did not seriously affect public health,
35 public safety, or the environment, or, if such violations

1 did seriously affect public health, public safety, or the
2 environment, that mitigating circumstances were present.

3 Sec. 7. NEW SECTION. 15.410 Definitions.

4 As used in this part, unless the context otherwise requires:

5 1. "*Innovative business*" means the same as defined in
6 section 15E.52.

7 2. "*Internship*" means temporary employment of a student that
8 focuses on providing the student with work experience in the
9 student's field of study.

10 Sec. 8. Section 15.411, subsection 1, Code 2013, is amended
11 by striking the subsection.

12 Sec. 9. Section 15E.232, subsection 1, paragraph a, Code
13 2013, is amended to read as follows:

14 a. The ability to provide matching moneys on a basis of
15 a one dollar contribution of local matching moneys for every
16 two dollars received from ~~the economic development~~ a fund
17 established pursuant to section 15.335B.

18 Sec. 10. Section 15E.232, subsections 3 and 4, Code 2013,
19 are amended to read as follows:

20 3. An economic development region may apply for financial
21 assistance from a fund established pursuant to section 15.335B
22 to assist an existing business threatened with closure due to
23 a potential consolidation to an out-of-state location. The
24 economic development region may apply for financial assistance
25 from ~~the economic development~~ a fund established pursuant to
26 section 15.335B for the purchase, rehabilitation, or marketing
27 of a building that has become available due to the closing of
28 an existing business due to a consolidation to an out-of-state
29 location. In order to receive financial assistance under this
30 subsection, an economic development region must demonstrate the
31 ability to provide local matching moneys on a basis of a one
32 dollar contribution of local moneys for every three dollars
33 received from ~~the economic development~~ a fund established
34 pursuant to section 15.335B.

35 4. An economic development region may apply for financial

1 assistance from a fund established pursuant to section 15.335B
 2 to establish and operate an entrepreneurial initiative. In
 3 order to receive financial assistance under this subsection,
 4 an economic development region must demonstrate the ability
 5 to provide local matching moneys on a basis of a one dollar
 6 contribution of local moneys for every two dollars received
 7 from ~~the economic development~~ a fund established pursuant to
 8 section 15.335B.

9 Sec. 11. Section 15E.232, subsection 5, paragraph b, Code
 10 2013, is amended to read as follows:

11 **b.** In order to receive financial assistance under this
 12 subsection, an economic development region must demonstrate
 13 the ability to provide local matching moneys on a basis of a
 14 one dollar contribution of local moneys for every two dollars
 15 received from ~~the economic development~~ a fund established
 16 pursuant to section 15.335B.

17 Sec. 12. Section 15E.233, subsection 2, paragraph a,
 18 unnumbered paragraph 1, Code 2013, is amended to read as
 19 follows:

20 An approved economic enterprise area may apply to the
 21 authority for financial assistance from ~~the economic~~
 22 ~~development~~ a fund established pursuant to 15.335B for up to
 23 seventy-five thousand dollars each fiscal year during the
 24 fiscal period beginning July 1, 2005, and ending June 30, 2015,
 25 for any of the following purposes:

26 Sec. 13. Section 15E.233, subsection 2, paragraph b, Code
 27 2013, is amended to read as follows:

28 **b.** In order to receive financial assistance under this
 29 subsection, an economic enterprise area must demonstrate the
 30 ability to provide local matching moneys on a basis of a one
 31 dollar contribution of local moneys for every three dollars
 32 received from ~~the economic development~~ a fund established
 33 pursuant to section 15.335B.

34 Sec. 14. Section 16.195, Code 2013, is amended to read as
 35 follows:

1 **16.195 Iowa jobs and Iowa jobs II program application review.**

2 1. Applications for assistance under the Iowa jobs program
3 and Iowa jobs II program shall be submitted to the Iowa finance
4 authority. The authority shall provide a staff review and
5 evaluation of applications to the Iowa jobs program review
6 committee referred to in subsection 2 and to the Iowa jobs
7 board.

8 2. A review committee composed of members of the board
9 as determined by the board shall review Iowa jobs and Iowa
10 jobs II program applications submitted to the board and make
11 recommendations regarding the applications to the board.
12 When reviewing the applications, the review committee and
13 the authority shall consider the project criteria specified
14 in sections 16.194 and 16.194A. The board shall develop the
15 appropriate level of transparency regarding project fund
16 allocations.

17 3. Upon approval of an application for financial assistance
18 under the ~~program~~ programs, the board shall notify the
19 treasurer of state regarding the amount of moneys needed to
20 satisfy the award of financial assistance and the terms of the
21 award. The treasurer of state shall notify the Iowa finance
22 authority any time moneys are disbursed to a recipient of
23 financial assistance under the ~~program~~ programs.

24 Sec. 15. Section 17A.7, subsection 2, Code 2013, is amended
25 to read as follows:

26 2. Beginning July 1, 2012, over each five-year period of
27 time, an agency shall conduct an ongoing and comprehensive
28 review of all of the agency's rules. The goal of the review is
29 the identification and elimination of all rules of the agency
30 that are outdated, redundant, or inconsistent or incompatible
31 with statute or its own rules or those of other agencies.
32 An agency shall commence its review by developing a plan of
33 review in consultation with major stakeholders and constituent
34 groups. When the agency completes ~~its~~ the five-year review of
35 ~~its~~ the agency's own rules, the agency shall provide a summary

1 of the results to the administrative rules coordinator and the
2 administrative rules review committee.

3 Sec. 16. Section 26.3, subsection 1, Code 2013, is amended
4 to read as follows:

5 1. If the estimated total cost of a public improvement
6 exceeds the competitive bid threshold of one hundred thousand
7 dollars, or the adjusted competitive bid threshold established
8 in section 314.1B, the governmental entity shall advertise
9 for sealed bids for the proposed public improvement by
10 publishing a notice to bidders. The notice to bidders shall
11 be published at least once, not less than four and not more
12 than forty-five days before the date for filing bids, in a
13 newspaper published at least once weekly and having general
14 circulation in the geographic area served by the governmental
15 entity. Additionally, the governmental entity may publish
16 a notice in a relevant contractor organization publication
17 and a relevant contractor plan room service with statewide
18 circulation, provided that a notice is posted on ~~a website~~ an
19 internet site sponsored by either a governmental entity or a
20 statewide association that represents the governmental entity.

21 Sec. 17. Section 28D.4, subsection 4, Code 2013, is amended
22 to read as follows:

23 4. Any employee who participates in an exchange under the
24 terms of this section who suffers disability or death as a
25 result of personal injury arising out of and in the course
26 of an exchange, or sustained in performance of duties in
27 connection therewith, shall be treated, for the purposes of the
28 sending agency's employee compensation program, as an employee,
29 as defined in such ~~Act~~ compensation program, who has sustained
30 such injury in the performance of such duty, but shall not
31 receive benefits under that ~~Act~~ compensation program for any
32 period for which the employee is entitled to and elects to
33 receive similar benefits under the receiving agency's employee
34 compensation program.

35 Sec. 18. Section 28D.6, subsection 4, Code 2013, is amended

1 to read as follows:

2 4. Any employee of a sending agency assigned in this
3 state who suffers disability or death as a result of personal
4 injury arising out of and in the course of such assignment, or
5 sustained in the performance of duties in connection therewith,
6 shall be treated for the purpose of receiving agency's employee
7 compensation program, as an employee, as defined in such ~~Act~~
8 compensation program, who has sustained such injury in the
9 performance of such duty, but shall not receive benefits under
10 that ~~Act~~ compensation program for any period for which the
11 employee elects to receive similar benefits as an employee
12 under the sending agency's employee compensation program.

13 Sec. 19. Section 28J.18, Code 2013, is amended to read as
14 follows:

15 **28J.18 Revenue bonds are lawful investments.**

16 Port authority revenue bonds issued pursuant to this
17 chapter are lawful investments of banks, credit unions, trust
18 companies, savings associations, deposit guaranty associations,
19 insurance companies, trustees, fiduciaries, trustees or other
20 officers having charge of the bond retirement funds or sinking
21 funds of port authorities and governmental agencies, ~~and~~ taxing
22 districts of this state, the pension and annuity retirement
23 system, the Iowa public employees' retirement system, the
24 police and fire retirement systems under chapters 410 and 411,
25 or a revolving fund of a governmental agency of this state,
26 and are acceptable as security for the deposit of public funds
27 under chapter 12C.

28 Sec. 20. Section 29A.42, unnumbered paragraph 2, Code 2013,
29 is amended to read as follows:

30 Any person who shall molest, or interfere with any member of
31 the national guard, in the discharge of the member's duty shall
32 be guilty of interference with official acts which is section
33 719.1, subsection 1. The commanding officer of such force may
34 order the arrest of such person and cause the person to be
35 delivered to a peace officer or magistrate.

1 Sec. 21. Section 35A.20, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:

3 a. The department may expend not more than six hundred
4 dollars per year for any one child who has lived in the state of
5 Iowa for two years preceding application for state educational
6 assistance, and who is the child of a person who died prior
7 to September 11, 2001, during ~~active federal military service~~
8 active duty while serving in the armed forces or during ~~active~~
9 ~~federal military service~~ active duty in the Iowa national
10 guard or other military component of the United States, to
11 defray the expenses of tuition, matriculation, laboratory and
12 similar fees, books and supplies, board, lodging, and any other
13 reasonably necessary expense for the child or children incident
14 to attendance in this state at an educational or training
15 institution of college grade, or in a business or vocational
16 training school with standards approved by the department.

17 Sec. 22. Section 35A.20, subsection 2, paragraph a, Code
18 2013, is amended to read as follows:

19 a. Upon application by a child who is less than thirty-one
20 years of age, and who is the child of a person who died on
21 or after September 11, 2001, during ~~active federal military~~
22 ~~service~~ active duty while serving in the armed forces or
23 during ~~active federal military service~~ active duty in the
24 Iowa national guard or other military component of the United
25 States, and who at the time of entering into federal active
26 ~~military service~~ duty had maintained the person's residence
27 in the state for a period of at least six months immediately
28 before entering into federal active ~~military service~~ duty,
29 the department shall provide state educational assistance in
30 an amount of no more than the highest resident undergraduate
31 tuition rate established per year for an institution of higher
32 learning under the control of the state board of regents less
33 the amount of any state and federal education benefits, grants,
34 or scholarships received by the child, or the amount of the
35 child's established financial need, whichever is less, to

1 defray the expenses of tuition at any postsecondary educational
2 institution in this state.

3 Sec. 23. Section 96.19, subsection 18, paragraph g,
4 subparagraph (1), Code 2013, is amended to read as follows:

5 (1) Service performed in the employ of any other state or
6 its political subdivisions, or of the United States government,
7 or of an instrumentality of any other state or states or their
8 political subdivisions or of the United States; provided,
9 however, that the general language just used shall not include
10 any such instrumentality of the United States after Congress
11 has, by appropriate legal action, expressly permitted the
12 several states to require such instrumentalities to make
13 payments into an employment fund under a state unemployment
14 compensation law; and all such instrumentalities so released
15 from the constitutional immunity to make the contributions,
16 imposed by this chapter shall, thereafter, become subject
17 to all the provisions of said chapter, and such provisions
18 shall then be applicable to such instrumentalities and to
19 all services performed for such instrumentalities in the
20 same manner, to the same extent and on the same terms as
21 are applicable to all other employers, employing units,
22 individuals, and services. Should the social security board
23 administration, acting under section 1603 of the federal
24 Internal Revenue Code, fail to certify the state of Iowa for
25 any particular calendar year, then the payments required of
26 such instrumentalities with respect to such year shall be
27 refunded by the department from the fund in the same manner and
28 within the same period as is provided for in section 96.14,
29 subsection 5, which section provides for the refunding of
30 contributions erroneously collected.

31 Sec. 24. Section 124.201, subsection 4, Code 2013, is
32 amended to read as follows:

33 4. If any new substance is designated as a controlled
34 substance under federal law and notice of the designation is
35 given to the board, the board shall similarly designate as

1 controlled the new substance under this chapter after the
 2 expiration of thirty days from publication in the Federal
 3 Register of a final order designating a new substance as a
 4 controlled substance, unless within that thirty-day period
 5 the board objects to the new designation. In that case the
 6 board shall publish the reasons for objection and afford
 7 all interested parties an opportunity to be heard. At
 8 the conclusion of the hearing the board shall announce its
 9 decision. Upon publication of objection to a new substance
 10 being designated as a controlled substance under this chapter
 11 by the board, control under this chapter is stayed until the
 12 board publishes its decision. If a substance is designated
 13 as controlled by the board under this subsection the control
 14 shall be temporary and if, within sixty days after the next
 15 regular session of the general assembly convenes ~~it,~~ the
 16 general assembly has not made the corresponding changes in this
 17 chapter, the temporary designation of control of the substance
 18 by the board shall be nullified.

19 Sec. 25. Section 125.86, subsection 3, paragraph b, Code
 20 2013, is amended to read as follows:

21 *b.* An advanced registered nurse practitioner who is
 22 not certified as a psychiatric advanced registered nurse
 23 practitioner but who meets the qualifications set forth in the
 24 definition of a mental health professional in section 228.1
 25 ~~on July 1, 2008,~~ may complete periodic reports pursuant to
 26 paragraph "a".

27 Sec. 26. Section 135C.1, subsection 9, Code 2013, is amended
 28 to read as follows:

29 9. "*Intermediate care facility for persons with an*
 30 *intellectual disability*" means an institution or distinct part
 31 of an institution with a primary purpose to provide health
 32 or rehabilitative services to three or more individuals,
 33 who primarily have an intellectual disability or a related
 34 condition and who are not related to the administrator or owner
 35 within the third degree of consanguinity, and which meets

1 the requirements of this chapter and federal standards for
 2 intermediate care facilities for persons with an intellectual
 3 disability established pursuant to the federal Social Security
 4 Act, § 1905(c)(d), as codified in 42 U.S.C. § ~~1936d~~ 1396d,
 5 which are contained in 42 C.F.R. pt. 483, subpt. D, § 410 - 480.

6 Sec. 27. Section 135C.6, subsection 8, paragraph c,
 7 unnumbered paragraph 1, Code 2013, is amended to read as
 8 follows:

9 A residential program approved by the department of human
 10 services pursuant to this paragraph "c" to receive moneys
 11 appropriated to the department of human services under
 12 provisions of a federally approved home and community-based
 13 services waiver for persons with an intellectual ~~disabilities~~
 14 disability may provide care to not more than five individuals.
 15 The department shall approve a residential program under this
 16 paragraph that complies with all of the following conditions:

17 Sec. 28. Section 142.3, Code 2013, is amended to read as
 18 follows:

19 **142.3 Notification of department.**

20 Every county medical examiner, funeral director or embalmer,
 21 and the managing officer of every public asylum, hospital,
 22 county care facility, penitentiary, or reformatory, as soon as
 23 any dead body shall come into the person's custody which may
 24 be used for scientific purposes as provided in sections 142.1
 25 and 142.2, shall at once notify the nearest relative or friend
 26 of the deceased, if known, and the Iowa department of public
 27 health ~~by telegram~~, and hold such body unburied for forty-eight
 28 hours. Upon receipt of ~~such telegram~~ notification, the
 29 department shall ~~telegram~~ issue verbal or written instructions
 30 relative to the disposition to be made of said body. Complete
 31 jurisdiction over said bodies is vested exclusively in the Iowa
 32 department of public health. No autopsy or post mortem, except
 33 as are legally ordered by county medical examiners, shall be
 34 performed on any of said bodies prior to their delivery to the
 35 medical schools.

1 Sec. 29. Section 144.29A, subsections 7, 8, and 9, Code
2 2013, are amended to read as follows:

3 7. For the purposes of this section, ~~"health care provider":~~
4 a. "Health care provider" means an individual licensed under
5 chapter 148, 148C, 148D, or 152, or any individual who provides
6 medical services under the authorization of the licensee.

7 8. ~~b. For the purposes of this section, "inducing a~~
8 ~~termination of pregnancy"~~ "Inducing a termination of pregnancy"
9 means the use of any means to terminate the pregnancy of a
10 woman known to be pregnant with the intent other than to
11 produce a live birth or to remove a dead fetus.

12 9. ~~c. For the purposes of this section, "spontaneous~~
13 ~~termination of pregnancy"~~ "Spontaneous termination of pregnancy"
14 means the occurrence of an unintended termination of pregnancy
15 at any time during the period from conception to twenty
16 weeks gestation and which is not a spontaneous termination of
17 pregnancy at any time during the period from twenty weeks or
18 greater which is reported to the department as a fetal death
19 under this chapter.

20 Sec. 30. Section 152B.1, subsection 8, paragraph b, Code
21 2013, is amended to read as follows:

22 b. Is capable of serving as a resource to the physician
23 or surgeon in relation to the technical aspects of
24 cardiorespiratory care and to safe and effective methods for
25 administering respiratory care modalities.

26 Sec. 31. Section 152B.2, subsection 1, paragraph b, Code
27 2013, is amended to read as follows:

28 b. "Respiratory care as a practice" does not include
29 the delivery, assembly, setup, testing, or demonstration
30 of respiratory care equipment in the home upon the order
31 of a licensed physician or surgeon or a qualified health
32 care professional prescriber. As used in this paragraph,
33 "demonstration" does not include the actual teaching,
34 administration, or performance of the respiratory care
35 procedures.

1 Sec. 32. Section 161A.61, subsection 2, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:

3 The commissioners of the soil and water conservation
4 district in which ~~that~~ a farm unit is located may petition
5 the district court for an appropriate order with respect to
6 that farm unit if its owner or occupant has been sent a notice
7 by the commissioners under subsection 1, paragraph "b", for
8 three or more consecutive years. The commissioners' petition
9 shall seek a court order which states a time not more than six
10 months after the date of the order when the owner or occupant
11 must commence, and a time when the owner or occupant must
12 complete the steps necessary to comply with the order. The
13 time allowed to complete the establishment of a temporary soil
14 and water conservation practice employed to comply or advance
15 toward compliance with the court's order shall be not more than
16 one year after the date of that order, and the time allowed
17 to complete the establishment of a permanent soil and water
18 conservation practice employed to comply with the court's
19 order shall be not more than five years after the date of that
20 order. Section 161A.48 applies to a court order issued under
21 this subsection. The steps required of the farm unit owner or
22 operator by the court order are those which are necessary to
23 do one of the following:

24 Sec. 33. Section 203.10, subsection 1, paragraph c, Code
25 2013, is amended to read as follows:

26 c. The expiration of the license according to the terms
27 of the license as provided in this chapter, including a rule
28 adopted in accordance with this chapter, pursuant to chapter
29 17A.

30 Sec. 34. Section 203C.10, subsection 1, paragraph c, Code
31 2013, is amended to read as follows:

32 c. The expiration of the license according to the terms
33 of the license as provided in this chapter, including a rule
34 adopted in accordance with this chapter, pursuant to chapter
35 17A.

1 Sec. 35. Section 203C.16, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. a. The storage of bulk grain by more than one person,
4 if all of the following apply:

5 ~~a.~~ (1) The bulk grain was jointly produced by all persons
6 storing the grain. ~~As used in this subsection, "jointly~~
7 ~~produced" includes but is not limited to grain owned by a~~
8 ~~landlord who receives a share of agricultural products as rent.~~

9 ~~b.~~ (2) The bulk grain is stored on the property owned or
10 leased by one of the persons jointly producing the grain.

11 ~~c.~~ (3) No person other than persons jointly producing the
12 grain owns the stored bulk grain.

13 b. As used in this subsection, "jointly produced" includes
14 but is not limited to grain owned by a landlord who receives a
15 share of agricultural products as rent.

16 Sec. 36. Section 207.2, subsection 10, Code 2013, is amended
17 to read as follows:

18 10. "Prime farmland" means the same as prescribed by the
19 United States department of agriculture pursuant to 7 C.F.R. §
20 ~~567.5(a)~~ 657.5(a).

21 Sec. 37. Section 208A.1, Code 2013, is amended to read as
22 follows:

23 **208A.1 Definitions.**

24 As used in this chapter, unless the context or subject matter
25 otherwise requires: ~~(1)~~

26 1. "Antifreeze" shall include all substances and
27 preparations intended for use as the cooling medium, or to be
28 added to the cooling liquid, in the cooling system of internal
29 combustion engines to prevent freezing of the cooling liquid or
30 to lower its freezing point; ~~and (2) "person".~~

31 2. "Person" shall include individuals, partnerships,
32 corporations, companies, and associations.

33 Sec. 38. Section 208A.2, Code 2013, is amended to read as
34 follows:

35 **208A.2 What deemed adulterated.**

1 An antifreeze shall be deemed to be adulterated if either of
2 the following apply: ~~(1) If it~~

3 1. It consists in whole or in part of any substance which
4 will render it injurious to the cooling system of an internal
5 combustion engine or will make the operation of the engine
6 dangerous to the user; ~~or (2) if its.~~

7 2. Its strength, quality, or purity falls below the standard
8 of strength, quality, or purity under which it is sold.

9 Sec. 39. Section 208A.3, Code 2013, is amended to read as
10 follows:

11 **208A.3 What deemed misbranded.**

12 An antifreeze shall be deemed to be misbranded if either of
13 the following apply: ~~(1) If its~~

14 1. Its labeling is false or misleading in any particular;
15 ~~or (2) if in.~~

16 2. In package form it does not bear a label containing the
17 name and place of business of the manufacturer, packer, seller,
18 or distributor and an accurate statement of the quantity of the
19 contents in terms of weight or measure on the outside of the
20 package.

21 Sec. 40. Section 214A.1, subsection 17, Code 2013, is
22 amended by striking the subsection.

23 Sec. 41. Section 215.7, subsection 2, Code 2013, is amended
24 to read as follows:

25 2. The person makes a settlement for or enters a credit,
26 based upon any false weight or measurement, for any commodity
27 purchased.

28 Sec. 42. Section 217.17, Code 2013, is amended to read as
29 follows:

30 **217.17 Administrator of division of planning.**

31 The administrator of the division of planning, research,
32 and statistics shall be qualified in the general field of
33 governmental planning with special training and experience in
34 the areas of preparation and development of plans for future
35 efficient reorganization and administration of government

1 social functions. The administrator of the division of
 2 planning, research, and statistics shall cooperate with
 3 the administrators of the other divisions of the department
 4 of human services, assisting them and the director of the
 5 department in their planning, research, and statistical
 6 problems. The administrator of the division of planning,
 7 research, and statistics shall assist the administrators,
 8 director, and the council on human services by proposing
 9 administrative and organizational changes at both the state
 10 and local level to provide more efficient and integrated
 11 social services to the citizens of this state. The planning,
 12 research, and statistical operations now forming an
 13 integral part of the present state functions assigned to the
 14 administrators of this department along with their future needs
 15 in this regard are all assigned to and shall be administered by
 16 the administrator of ~~this~~ the division.

17 Sec. 43. Section 217.30, subsection 2, Code 2013, is amended
 18 to read as follows:

19 2. Information described in subsection 1 shall not be
 20 disclosed to or used by any person or agency except for
 21 purposes of administration of the programs of services or
 22 assistance, and shall not in any case, except as otherwise
 23 provided in subsection 4, paragraph "b", be disclosed to or
 24 used by persons or agencies outside the department unless they
 25 are subject to standards of confidentiality comparable to those
 26 imposed on the department by this ~~division~~ section.

27 Sec. 44. Section 217.31, unnumbered paragraph 2, Code 2013,
 28 is amended to read as follows:

29 Any reasonable grounds that a public employee has violated
 30 any provision of ~~this division~~ section 217.30 shall be grounds
 31 for immediate removal from access of any kind to confidential
 32 records or suspension from duty without pay.

33 Sec. 45. Section 222.13, subsection 1, Code 2011, as amended
 34 by 2012 Iowa Acts, chapter 1120, section 70, is amended to read
 35 as follows:

1 1. If an adult person is believed to be a person with mental
2 retardation, the adult person or the adult person's guardian
3 may submit a request in writing through the central point of
4 coordination process for the county board of supervisors of the
5 adult person's county of residence ~~in writing~~ to apply to the
6 superintendent of any state resource center for the voluntary
7 admission of the adult person either as an inpatient or an
8 outpatient of the resource center. The board of supervisors
9 shall, on forms prescribed by the department's administrator,
10 apply to the superintendent of the resource center in the
11 district for the admission of the adult person to the resource
12 center. An application for admission to a special unit of any
13 adult person believed to be in need of any of the services
14 provided by the special unit under section 222.88 may be made
15 in the same manner, upon request of the adult person or the
16 adult person's guardian. The superintendent shall accept the
17 application if a preadmission diagnostic evaluation, performed
18 through the central point of coordination process, confirms or
19 establishes the need for admission, except that an application
20 shall not be accepted if the institution does not have adequate
21 facilities available or if the acceptance will result in an
22 overcrowded condition.

23 Sec. 46. Section 222.27, Code 2013, is amended to read as
24 follows:

25 **222.27 Hearing in public.**

26 Hearings shall be public, unless otherwise requested by
27 the parent, guardian, or other person having the custody of
28 the person with an intellectual disability, or if the judge
29 considers, a closed hearing in the best interests of the person
30 with an intellectual disability.

31 Sec. 47. Section 225.10, Code 2013, is amended to read as
32 follows:

33 **225.10 Voluntary public patients.**

34 Persons suffering from mental diseases may be admitted to
35 the state psychiatric hospital as voluntary public patients as

1 ~~follows: Any~~ if a physician authorized to practice medicine
 2 or osteopathic medicine in the state of Iowa ~~may file~~ files
 3 information with the board of supervisors of the person's
 4 county of residence or the board's designee, stating ~~that~~ all
 5 of the following:

6 1. That the physician has examined the person and finds that
 7 the person is suffering from some abnormal mental condition
 8 that can probably be remedied by observation, treatment, and
 9 hospital care; ~~that.~~

10 2. That the physician believes it would be appropriate for
 11 the person to enter the state psychiatric hospital for that
 12 purpose and that the person is willing to do so; ~~and that.~~

13 3. That neither the person nor those legally responsible for
 14 the person are able to provide the means for the observation,
 15 treatment, and hospital care.

16 Sec. 48. Section 225C.4, subsection 1, paragraph o, Code
 17 2013, is amended to read as follows:

18 o. Recommend to the commission minimum accreditation
 19 standards for the maintenance and operation of community mental
 20 health centers, services, and programs under section ~~230A.16~~
 21 230A.110. The administrator's review and evaluation of the
 22 centers, services, and programs for compliance with the adopted
 23 standards shall be as provided in section ~~230A.17~~ 230A.111.

24 Sec. 49. Section 225C.6, subsection 1, paragraph c, Code
 25 2013, is amended to read as follows:

26 c. Adopt standards for community mental health centers,
 27 services, and programs as recommended under section ~~230A.16~~
 28 230A.110. The administrator shall determine whether to grant,
 29 deny, or revoke the accreditation of the centers, services, and
 30 programs.

31 Sec. 50. Section 225C.15, Code 2013, is amended to read as
 32 follows:

33 **225C.15 County implementation of evaluations.**

34 The board of supervisors of a county shall, no later than
 35 July 1, 1982, require that the policy stated in section 225C.14

1 be followed with respect to admission of persons from that
2 county to a state mental health institute. A community mental
3 health center which is supported, directly or in affiliation
4 with other counties, by that county may perform the preliminary
5 diagnostic evaluations for that county, unless the performance
6 of the evaluations is not covered by the agreement entered
7 into by the county and the center ~~under section 230A.12~~, and
8 the center's director certifies to the board of supervisors
9 that the center does not have the capacity to perform the
10 evaluations, in which case the board of supervisors shall
11 proceed under section 225C.17.

12 Sec. 51. Section 228.6, subsection 1, Code 2013, is amended
13 to read as follows:

14 1. A mental health professional or an employee of or
15 agent for a mental health facility may disclose mental health
16 information if and to the extent necessary, to meet the
17 requirements of section 229.24, 229.25, 230.20, 230.21, 230.25,
18 230.26, ~~230A.13~~, 230A.108, 232.74, or 232.147, or to meet the
19 compulsory reporting or disclosure requirements of other state
20 or federal law relating to the protection of human health and
21 safety.

22 Sec. 52. Section 229.13, subsection 5, Code 2013, is amended
23 to read as follows:

24 5. The chief medical officer of the hospital or facility
25 at which the respondent is placed shall report to the court no
26 more than fifteen days after the respondent is placed, making a
27 recommendation for disposition of the matter. An extension of
28 time may be granted, not to exceed seven days upon a showing of
29 cause. A copy of the report shall be sent to the respondent's
30 attorney, who may contest the need for an extension of time
31 if one is requested. An extension of time shall be granted
32 upon request unless the request is contested, in which case
33 the court shall make such inquiry as it deems appropriate and
34 may either order the respondent's release from the hospital
35 or facility or grant an extension of time for psychiatric

1 evaluation. If the chief medical officer fails to report to
2 the court within fifteen days after the individual is placed
3 under the care of the hospital or facility, and an extension
4 of time has not been requested, the chief medical officer
5 is guilty of contempt and shall be punished under chapter
6 665. The court shall order a rehearing on the application to
7 determine whether the respondent should continue to be detained
8 at or placed under the care of the hospital or facility.

9 Sec. 53. Section 229.15, subsection 3, paragraph b, Code
10 2013, is amended to read as follows:

11 b. An advanced registered nurse practitioner who is
12 not certified as a psychiatric advanced registered nurse
13 practitioner but who meets the qualifications set forth in the
14 definition of a mental health professional in section 228.1
15 ~~on July 1, 2008~~, may complete periodic reports pursuant to
16 paragraph "a".

17 Sec. 54. Section 229.22, subsection 2, paragraph b, Code
18 2013, is amended to read as follows:

19 b. If the magistrate orders that the person be detained,
20 the magistrate shall, by the close of business on the next
21 working day, file a written order with the clerk in the county
22 where it is anticipated that an application may be filed
23 under section 229.6. The order may be filed by facsimile if
24 necessary. A peace officer from the law enforcement agency
25 that took the person into custody, if no request was made
26 under paragraph "a", may inform the magistrate that an arrest
27 warrant has been issued for or charges are pending against the
28 person and request that any written order issued under this
29 paragraph require the facility or hospital to notify the law
30 enforcement agency about the discharge of the person prior to
31 discharge. The order shall state the circumstances under which
32 the person was taken into custody or otherwise brought to a
33 facility or hospital, and the grounds supporting the finding
34 of probable cause to believe that the person is seriously
35 mentally impaired and likely to injure the person's self or

1 others if not immediately detained. The order shall also
 2 include any law enforcement agency notification requirements if
 3 applicable. The order shall confirm the oral order authorizing
 4 the person's detention including any order given to transport
 5 the person to an appropriate facility or hospital. A peace
 6 officer from the law enforcement agency that took the person
 7 into custody may also request an order, separate from the
 8 written order, requiring the facility or hospital to notify the
 9 law enforcement agency about the discharge of the person prior
 10 to discharge. The clerk shall provide a copy of the written
 11 order or any separate order to the chief medical officer of the
 12 facility or hospital to which the person was originally taken,
 13 to any subsequent facility to which the person was transported,
 14 and to any law enforcement department or ambulance service that
 15 transported the person pursuant to the magistrate's order.

16 Sec. 55. Section 230.33, unnumbered paragraph 2, Code 2013,
 17 is amended to read as follows:

18 ~~Provided that~~ However, in the case of a proposed transfer of
 19 a person with mental illness or an intellectual disability from
 20 this state, ~~that no final action~~ shall not be taken without the
 21 approval either of the commission of hospitalization, or of the
 22 district court, of the county of admission or commitment.

23 Sec. 56. Section 230A.105, subsection 1, paragraph e, Code
 24 2013, is amended to read as follows:

25 e. Individuals described in paragraph "a", "b", "c", or "d"
 26 who have a co-occurring disorder, including but not limited to
 27 substance abuse, ~~mental retardation~~ intellectual disability,
 28 a developmental disability, brain injury, autism spectrum
 29 disorder, or another disability or special health care need.

30 Sec. 57. Section 230A.110, subsection 3, paragraph c, Code
 31 2013, is amended to read as follows:

32 c. Arrange for the financial condition and transactions of
 33 the community mental health center to be audited once each year
 34 by the auditor of state. However, in lieu of an audit by ~~state~~
 35 ~~accountants~~ the auditor of state, the local governing body of a

1 community mental health center organized under this chapter may
 2 contract with or employ certified public accountants to conduct
 3 the audit, pursuant to the applicable terms and conditions
 4 prescribed by sections 11.6 and 11.19 and audit format
 5 prescribed by the auditor of state. Copies of each audit shall
 6 be furnished by the auditor or accountant to the administrator
 7 of the division of mental health and disability services.

8 Sec. 58. Section 231.56, Code 2013, is amended to read as
 9 follows:

10 **231.56 Services and programs.**

11 The department shall administer services and programs
 12 that allow older individuals to secure and maintain maximum
 13 independence and dignity in a home environment that provides
 14 for self-care with appropriate supportive services, assist
 15 in removing individual and social barriers to economic
 16 and personal independence for older individuals, provide a
 17 continuum of care for older individuals and individuals with
 18 disabilities, and secure the opportunity for older individuals
 19 to receive managed in-home and community-based long-term
 20 care services. Funds appropriated for this purpose shall be
 21 ~~instituted~~ allocated based on administrative rules adopted by
 22 the commission. The department shall require such records as
 23 needed to administer this section.

24 Sec. 59. Section 232.73A, subsection 1, paragraph b, Code
 25 2013, is amended to read as follows:

26 *b.* For purposes of this section, "*retaliatory action*"
 27 includes but is not limited to an employer's action to
 28 discharge an employee or to take or fail to take action
 29 regarding an employee's appointment or proposed appointment
 30 to a position in employment, to take or fail to take action
 31 regarding an employee's promotion or proposed promotion to a
 32 position in employment, or to fail to provide an advantage in a
 33 position in employment.

34 Sec. 60. Section 234.6, subsection 1, Code 2013, is amended
 35 to read as follows:

1 1. Cooperate with the ~~federal~~ social security board
 2 administration created by Tit. VII of by the Social Security
 3 Act ~~[42 and codified at 42 U.S.C. § 901]~~ 901, ~~enacted by the~~
 4 ~~74th Congress of the United States and approved August 14,~~
 5 ~~1935,~~ or other agency of the federal government for public
 6 welfare assistance, in such reasonable manner as may be
 7 necessary to qualify for federal aid, including the making of
 8 such reports in such form and containing such information as
 9 the ~~federal~~ social security board administration, from time
 10 to time, may require, and to comply with such regulations as
 11 such ~~federal~~ social security board administration, from time
 12 to time, may find necessary to assure the correctness and
 13 verification of such reports.

14 Sec. 61. Section 235E.6, Code 2013, is amended to read as
 15 follows:

16 **235E.6 Dependent adult abuse finding — notification to**
 17 **employer and employee.**

18 Upon a ~~finding of founded~~ determination that an allegation
 19 of perpetration of dependent adult abuse by a caretaker is
 20 founded, the department shall provide written notification of
 21 the department's findings to the caretaker and the caretaker's
 22 employer. In addition, the written notification shall detail
 23 the consequences of placement on the central abuse registry,
 24 the caretaker's appeal rights, and include a separate appeal
 25 request form. The written appeal request form shall clearly
 26 set forth that the caretaker shall not be placed on the central
 27 abuse registry until final agency action is taken if an appeal
 28 is filed within fifteen days.

29 Sec. 62. Section 249J.6, subsection 2, paragraph a, Code
 30 2013, is amended to read as follows:

31 a. Each expansion population member shall receive a
 32 comprehensive medical examination annually. The department may
 33 implement ~~a web-based~~ an internet-based health risk assessment
 34 for expansion population members that may include facilitation,
 35 if deemed to be cost-effective to the program.

1 Sec. 63. Section 256D.3, subsection 3, Code 2013, is amended
2 to read as follows:

3 3. ~~Beginning January 15, 2006, the~~ The department shall
4 submit an annual report to the chairpersons and ranking members
5 of the senate and house education committees that includes the
6 statewide average school district class size in basic skills
7 instruction in kindergarten through grade three, by grade level
8 and by district size, and describes school district progress
9 toward achieving early intervention block grant program
10 goals and the ways in which school districts are using moneys
11 received pursuant to this chapter and expended as provided in
12 section 256D.2A. The report shall include district-by-district
13 information showing the allocation received for early
14 intervention block grant program purposes, the total number
15 of students enrolled in grade four in each district, and the
16 number of students in each district who are not proficient in
17 reading in grade four for the most recent reporting period, as
18 well as for each reporting period starting with the school year
19 beginning July 1, 2001.

20 Sec. 64. Section 256F.6, subsection 2, Code 2013, is amended
21 to read as follows:

22 2. The contract shall outline the reasons for revocation or
23 nonrenewal of the ~~charter~~ contract.

24 Sec. 65. Section 261B.4, subsection 17, Code 2013, is
25 amended to read as follows:

26 17. Evidence that the school meets the conditions of
27 financial responsibility established in section 714.18, or that
28 the school qualifies for an exemption under section 714.19 ~~or~~
29 ~~714.22~~.

30 Sec. 66. Section 261B.11, subsection 2, paragraph a, Code
31 2013, is amended to read as follows:

32 a. A school that is granted an exemption under this section
33 must file evidence of financial responsibility under section
34 714.18 or demonstrate to the commission or its designee that
35 the school qualifies for an exemption under section 714.19 ~~or~~

1 ~~714.22.~~

2 Sec. 67. Section 275.1, subsection 2, Code 2013, is amended
3 to read as follows:

4 2. It is the policy of the state to encourage economical
5 and efficient school districts which will ensure an equal
6 educational opportunity to all children of the state. All
7 areas of the state shall be in school districts maintaining
8 kindergarten and twelve grades. If a school district ceases
9 to maintain kindergarten and twelve grades except as otherwise
10 provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1
11 or ~~subsections 1 and 3~~, or section 282.8, it shall reorganize
12 within six months or the state board shall attach the school
13 district not maintaining kindergarten and twelve grades to one
14 or more adjacent districts. Voluntary reorganizations under
15 this chapter shall be commenced only if the affected school
16 districts are contiguous or marginally adjacent to one another.
17 A reorganized district shall meet the requirements of section
18 275.3.

19 Sec. 68. Section 279.9A, Code 2013, is amended to read as
20 follows:

21 **279.9A Information sharing.**

22 The rules referred to in section 279.9 shall provide that
23 upon the request of school officials of a school to which the
24 student seeks to transfer or has transferred, school officials
25 of the sending school shall provide an accurate record of
26 any suspension or expulsion actions taken, and the basis for
27 those actions taken, against the student under sections 279.9,
28 280.19A, 280.21B, 282.3, 282.4, and 282.5. The designated
29 representative shall disclose this information only to those
30 school employees whose duties require them to be involved
31 with the student. For purposes of this section, "*school*
32 *employees*" means persons employed by a nonpublic school or
33 school district, or any area education agency staff member who
34 provides services to a school or school district.

35 Sec. 69. Section 280.11, subsection 4, paragraph b, Code

1 2013, is amended to read as follows:

2 *b.* "Noise" as used in this section, means a noise level
3 that meets or exceeds damage-risk criteria established by the
4 present ~~federal~~ standard for occupational noise exposure,
5 established by the federal occupational safety and health
6 standards administration.

7 Sec. 70. Section 280.13B, Code 2013, is amended to read as
8 follows:

9 **280.13B Taping Recording and broadcast fees restricted.**

10 The Iowa high school athletic association or its successor
11 organization, and the Iowa girls high school athletic union or
12 its successor organization, shall not assess a charge for the
13 ~~videotape~~ retransmission of an audio-visual recording of a high
14 school athletic tournament contest or event if the ~~videotape~~
15 retransmission does not occur earlier than twenty-four hours
16 after the starting time of the live athletic contest or event.

17 Sec. 71. Section 282.4, subsections 2 and 3, Code 2013, are
18 amended to read as follows:

19 2. ~~a.~~ A student who commits an assault, as defined under
20 section 708.1, against a school employee in a school building,
21 on school grounds, or at a school-sponsored function shall be
22 suspended for a time to be determined by the principal. Notice
23 of the suspension shall be immediately sent to the president
24 of the board. By special meeting or at the next regularly
25 scheduled board meeting, the board shall review the suspension
26 and decide whether to hold a disciplinary hearing to determine
27 whether or not to order further sanctions against the student,
28 which may include expelling the student. In making its
29 decision, the board shall consider the best interests of the
30 school district, which shall include what is best to protect
31 and ensure the safety of the school employees and students from
32 the student committing the assault.

33 ~~b.~~ 3. A student shall not be suspended or expelled pursuant
34 to this section if the suspension or expulsion would violate
35 the federal Individuals with Disabilities Education Act.

1 ~~3.~~ 4. Notwithstanding section 282.6, if a student has
2 been expelled or suspended from school and has not met the
3 conditions of the expulsion or suspension, the student shall
4 not be permitted to enroll in a school district until the board
5 of directors of the school district approves, by a majority
6 vote, the enrollment of the student.

7 Sec. 72. Section 282.24, subsection 1, paragraph a, Code
8 2013, is amended to read as follows:

9 a. The maximum tuition fee that may be charged for
10 elementary and high school students residing within another
11 school district or corporation except students attending school
12 in another district under section 282.7, subsection 1, or
13 ~~subsections 1 and 3~~, is the district cost per pupil of the
14 receiving district as computed in section 257.10.

15 Sec. 73. Section 299.6, Code 2013, is amended to read as
16 follows:

17 **299.6 Violations — community service or fine or**
18 **imprisonment.**

19 1. Any person who violates a mediation agreement under
20 section 299.5A, who is referred for prosecution under section
21 299.5A and is convicted of a violation of any of the provisions
22 of sections 299.1 through 299.5, who violates any of the
23 provisions of sections 299.1 through 299.5, or who refuses to
24 participate in mediation under section 299.5A, ~~for a first~~
25 ~~offense, is guilty of a simple misdemeanor~~ commits a public
26 offense.

27 a. A first offense is a simple misdemeanor and a conviction
28 is punishable by imprisonment not exceeding ten days or a
29 fine not exceeding one hundred dollars. The court may order
30 the person to perform not more than forty hours of unpaid
31 community service instead of any fine or imprisonment. A
32 ~~person convicted of a second violation is guilty of a serious~~
33 ~~misdemeanor.~~

34 b. A second offense is a serious misdemeanor and a
35 conviction is punishable by imprisonment not exceeding twenty

1 days or a fine not exceeding five hundred dollars, or both
2 a fine and imprisonment. The court may order the person
3 to perform unpaid community service instead of any fine or
4 imprisonment.

5 c. A third or subsequent offense is a serious misdemeanor
6 and a conviction is punishable by imprisonment not exceeding
7 thirty days or a fine not exceeding one thousand dollars, or
8 both a fine and imprisonment. The court may order the person
9 to perform unpaid community service instead of any fine or
10 imprisonment.

11 2. If community service is imposed as part of a sentencing
12 order, the court may require that part or all of the service be
13 performed for a public school district or nonpublic school if
14 the court finds that service in the school is appropriate under
15 the circumstances.

16 3. If a parent, guardian, or legal or actual custodian of a
17 child who is truant, has made reasonable efforts to comply with
18 the provisions of sections 299.1 through 299.5, but is unable
19 to cause the child to attend school, the parent, guardian,
20 or legal or actual custodian may file an affidavit listing
21 the reasonable efforts made by the parent, guardian, or legal
22 or actual custodian to cause the child's attendance and the
23 parent, guardian, or legal or actual custodian shall not be
24 criminally liable for the child's nonattendance.

25 Sec. 74. Section 306C.18, subsection 4, Code 2013, is
26 amended to read as follows:

27 4. The fee for both types of permits for calendar years
28 1997 and 1998 shall be one hundred dollars for the initial
29 fee and fifteen dollars for each annual renewal for signs
30 up to three hundred seventy-five square feet in area,
31 twenty-five dollars for each annual renewal for signs at least
32 three hundred seventy-six, but not more than nine hundred
33 ninety-nine, square feet in area, and fifty dollars for each
34 annual renewal for signs one thousand square feet or more in
35 area. Beginning January 1, 1999, fees shall be as determined

1 by rule by the department. The fees collected for the above
 2 permits shall be credited to ~~a special account entitled the~~
 3 ~~"highway highway beautification fund"~~ fund created in section
 4 306C.11, subsection 5, and all salaries and expenses incurred
 5 in administering this chapter shall be paid from this fund or
 6 from specific appropriations for this purpose, except that
 7 surveillance of, and removal of, advertising devices performed
 8 by regular maintenance personnel are not to be charged against
 9 the ~~account~~ fund.

10 Sec. 75. Section 313.43, Code 2013, is amended to read as
 11 follows:

12 **313.43 Lateral or detour routes in cities.**

13 1. Any city located on the primary road system and in which
 14 the primary road extension as officially designated does not
 15 pass through the main part or business district of such city,
 16 may designate and mark a lateral or detour route in order to
 17 facilitate such primary road traffic as may desire to get into
 18 and out of such business district.

19 2. Lateral or detour routes shall be marked with standard
 20 markings adopted by the department for that purpose, which
 21 markings shall clearly indicate that the lateral route is not
 22 the official primary road extension but is in fact a lateral or
 23 detour extending to the business district.

24 3. The cost of the markings shall be without expense to the
 25 state.

26 Sec. 76. Section 313.64, unnumbered paragraph 1, Code 2013,
 27 is amended to read as follows:

28 ~~Should~~ If the department ~~accept~~ accepts the offer of any
 29 bridge over a boundary stream and ~~enter~~ enters into a written
 30 agreement in relation ~~thereto~~ to the bridge as provided in
 31 sections 313.59 to 313.63, this section, and section 313.65,
 32 the owner or operator of ~~such~~ the bridge shall thereafter and
 33 until all indebtedness or other obligations against ~~such~~ the
 34 bridge have been paid and discharged annually file with the
 35 department a sworn statement of its financial condition. ~~Such~~

1 The statement shall show funds on hand and indebtedness at
 2 the beginning and end of the year, receipts, disbursements,
 3 indebtedness retired during the year and any other information
 4 required by the department to show the true and complete
 5 condition of the finances with respect to ~~such~~ the bridge and
 6 bridge approaches thereto.

7 Sec. 77. Section 321.98, Code 2013, is amended to read as
 8 follows:

9 **321.98 Operation without registration.**

10 1. A Except as otherwise expressly permitted in this
 11 chapter, a person shall not operate and an owner shall not
 12 knowingly permit to be operated upon any highway any vehicle
 13 required to be registered and titled hereunder under this
 14 chapter unless there shall be:

15 a. A valid registration card and registration plate or
 16 plates issued for the vehicle for the current registration year
 17 are attached thereto to and displayed thereon on the vehicle
 18 when and as required by this chapter a valid registration
 19 card and registration plate or plates issued therefor for the
 20 current registration year; and unless a

21 b. A certificate of title has been issued for such the
 22 vehicle except as otherwise expressly permitted in this
 23 chapter.

24 2. Any violation of this section is a simple misdemeanor
 25 punishable as a scheduled violation under section 805.8A,
 26 subsection 2.

27 Sec. 78. Section 321.180B, subsection 1, paragraphs c, d,
 28 and e, Code 2013, are amended to read as follows:

29 c. (1) Except as otherwise provided, a permittee who
 30 is less than eighteen years of age and who is operating
 31 a motor vehicle must be accompanied by a person issued a
 32 driver's license valid for the vehicle operated who is the
 33 parent, guardian, or custodian of the permittee, a member of
 34 the permittee's immediate family if the family member is at
 35 least twenty-one years of age, an approved driver education

1 instructor, a prospective driver education instructor who is
 2 enrolled in a practitioner preparation program with a safety
 3 education program approved by the state board of education,
 4 or a person at least twenty-five years of age if written
 5 permission is granted by the parent, guardian, or custodian,
 6 and who is actually occupying a seat beside the driver. A
 7 permittee shall not operate a motor vehicle if the number of
 8 passengers in the motor vehicle exceeds the number of passenger
 9 safety belts in the motor vehicle. If the applicant for an
 10 instruction permit holds a driver's license issued in this
 11 state valid for the operation of a motorized bicycle or a
 12 motorcycle, the instruction permit shall be valid for such
 13 operation without the requirement of an accompanying person.

14 ~~d.~~ (2) ~~However, if~~ If the permittee is operating a
 15 motorcycle in accordance with this section, the accompanying
 16 person must be within audible and visual communications
 17 distance from the permittee and be accompanying the permittee
 18 on or in a different motor vehicle. Only one permittee shall
 19 be under the immediate supervision of an accompanying qualified
 20 person.

21 ~~e.~~ d. A permittee shall not be penalized for failing
 22 to have the instruction permit in the permittee's immediate
 23 possession if the permittee produces in court, within a
 24 reasonable time, an instruction permit issued to the permittee
 25 and valid at the time of the permittee's arrest or at the time
 26 the permittee was charged with failure to have the permit in
 27 the permittee's immediate possession.

28 Sec. 79. Section 321.188, subsection 6, paragraph c, Code
 29 2013, is amended to read as follows:

30 c. An applicant who obtains a driving skills test waiver
 31 under this subsection shall take and successfully pass the
 32 knowledge test required pursuant to subsection 1.

33 Sec. 80. Section 321.276, subsection 5, Code 2013, is
 34 amended to read as follows:

35 5. ~~a.~~ A peace officer shall not stop or detain a person

1 solely for a suspected violation of this section. This section
 2 is enforceable by a peace officer only as a secondary action
 3 when the driver of a motor vehicle has been stopped or detained
 4 for a suspected violation of another provision of this chapter,
 5 a local ordinance equivalent to a provision of this chapter,
 6 or other law.

7 ~~b. 6. For the period beginning July 1, 2010, through June~~
 8 ~~30, 2011, peace officers shall issue only warning citations for~~
 9 ~~violations of this section. The department, in cooperation~~
 10 with the department of public safety, shall establish
 11 educational programs to foster compliance with the requirements
 12 of this section.

13 Sec. 81. Section 321.285, subsection 7, Code 2013, is
 14 amended to read as follows:

15 7. A person who violates this section for excessive speed
 16 in violation of a speed limit commits a simple misdemeanor
 17 punishable as a scheduled violation under section 805.8A,
 18 subsection 5, ~~paragraph "a"~~. A person who violates this section
 19 for excessive speed as an operator of a school bus commits a
 20 simple misdemeanor punishable as a scheduled violation under
 21 section 805.8A, subsection 10. A person who violates any other
 22 provision of this section commits a simple misdemeanor.

23 Sec. 82. Section 321.341, Code 2013, is amended to read as
 24 follows:

25 **321.341 Obedience to signal indicating approach of railroad**
 26 **train or railroad track equipment.**

27 1. When a person driving a vehicle approaches a railroad
 28 grade crossing and warning is given by automatic signal,
 29 crossing gates, a flag person, or otherwise of the immediate
 30 approach of a railroad train or railroad track equipment, the
 31 driver of the vehicle shall stop the vehicle within fifty feet
 32 but not less than fifteen feet from the nearest rail and shall
 33 not proceed until the driver can do so safely.

34 2. The driver of a vehicle shall stop the vehicle and the
 35 vehicle shall remain standing and not traverse such a grade

1 crossing when a crossing gate is lowered or when a human
2 flagman gives or continues to give a signal of the approach or
3 passage of a railroad train or railroad track equipment.

4 Sec. 83. Section 321.354, Code 2013, is amended to read as
5 follows:

6 **321.354 Stopping on traveled way.**

7 ~~1. Upon any highway outside of a business district, rural~~
8 ~~residence district or residence district a~~ A person shall not
9 stop, park, or leave standing a an attended or unattended
10 ~~vehicle, whether attended or unattended upon any highway~~
11 outside of a business district, rural residence district, or
12 residence district as follows:

13 ~~1-~~ a. Upon the paved part of the highway when it is
14 practical to stop, park, or leave the vehicle off that part
15 of the highway, however, a clear and unobstructed width of at
16 least twenty feet of the paved part of the highway opposite the
17 standing vehicle shall be left for the free passage of other
18 vehicles. As used in this subsection, "*paved highway*" includes
19 an asphalt surfaced highway.

20 ~~2-~~ b. Upon the main traveled part of a highway other than
21 a paved highway when it is practical to stop, park, or leave
22 the vehicle off that part of the highway. However, a clear and
23 unobstructed width of that part of the highway opposite the
24 standing vehicle shall be left to allow for the free passage
25 of other vehicles.

26 2. A clear view of the stopped vehicle shall be available
27 from a distance of two hundred feet in each direction upon
28 the highway. However, school buses may stop on the highway
29 for receiving and discharging pupils and all other vehicles
30 shall stop for school buses which are stopped to receive
31 or discharge pupils, as provided in section 321.372. This
32 section does not apply to a vehicle making a turn as provided
33 in section 321.311. This section also does not apply to the
34 stopping or parking of a maintenance vehicle operated by a
35 highway authority on the main traveled way of any roadway

1 when necessary to the function being performed and when early
2 warning devices are properly displayed.

3 Sec. 84. Section 321.498, subsection 2, Code 2013, is
4 amended to read as follows:

5 2. a. The term "~~nonresident~~" "Nonresident" shall include
6 any person who was, at the time of the accident or event, a
7 resident of the state of Iowa but who removed from the state
8 before the commencement of such action or proceedings.

9 b. "Person" shall mean:

10 (1) The owner of the vehicle whether it is being used and
11 operated personally by the owner, or by the owner's agent.

12 (2) An agent using and operating the vehicle for the agent's
13 principal.

14 (3) Any person who is in charge of the vehicle and of the
15 use and operation thereof with the express or implied consent
16 of the owner.

17 Sec. 85. Section 321G.20, subsection 2, Code 2013, is
18 amended to read as follows:

19 2. While operating a snowmobile on a designated snowmobile
20 trail, public land, or public ice, a person twelve through
21 fifteen years of age and possessing shall possess a valid
22 education certificate issued under this chapter and must be
23 under the direct supervision of a parent, guardian, or another
24 adult authorized by the parent or guardian, who is experienced
25 in snowmobile operation and possesses a valid driver's license,
26 as defined in section 321.1, or an education certificate issued
27 under this chapter.

28 Sec. 86. Section 321J.24, subsection 5, paragraph a,
29 subparagraph (2), Code 2013, is amended to read as follows:

30 (2) A facility for the treatment of ~~chemical substance abuse~~
31 persons with substance-related disorders as defined in section
32 125.2, under the supervision of appropriately licensed medical
33 personnel.

34 Sec. 87. Section 321J.25, subsection 2, paragraph b, Code
35 2013, is amended to read as follows:

1 *b.* A facility for the treatment of ~~chemical-substance-abuse~~
2 persons with substance-related disorders as defined in section
3 125.2, under the supervision of appropriately licensed medical
4 personnel.

5 Sec. 88. Section 331.321, subsection 1, paragraph e, Code
6 2013, is amended to read as follows:

7 *e.* A temporary board of community mental health center
8 trustees in accordance with section ~~230A.4~~ 230A.110, subsection
9 3, paragraph "*b*", when the board decides to establish a
10 community mental health center, and members to fill vacancies
11 in accordance with section ~~230A.6~~ 230A.110, subsection 3,
12 paragraph "*b*".

13 Sec. 89. Section 331.392, subsection 2, paragraph i, Code
14 2013, is amended to read as follows:

15 *i.* Provisions for formation and assigned responsibilities
16 for one or more advisory committees consisting of individuals
17 who utilize services or actively involved relatives of such
18 individuals, service providers, governing board members,
19 and persons representing other interests identified in the
20 agreement.

21 Sec. 90. Section 331.395, Code 2013, is amended to read as
22 follows:

23 **331.395 Financial eligibility requirements.**

24 1. A person must comply with all of the following financial
25 eligibility requirements to be eligible for services under the
26 regional service system:

27 ~~1-~~ a. The person must have an income equal to or less than
28 one hundred fifty percent of the federal poverty level, as
29 defined by the most recently revised poverty income guidelines
30 published by the United States department of health and human
31 services, to be eligible for regional service system public
32 funding. It is the intent of the general assembly to consider
33 increasing this income eligibility provision to two hundred
34 percent of the federal poverty level.

35 ~~2. a. A region or a service provider contracting with the~~

1 ~~region shall not apply a copayment, sliding fee scale, or other~~
 2 ~~cost-sharing requirement for a particular service to a person~~
 3 ~~with an income equal to or less than one hundred fifty percent~~
 4 ~~of the federal poverty level.~~

5 ~~b. Notwithstanding subsection 1, a person with an income~~
 6 ~~above one hundred fifty percent of the federal poverty level~~
 7 ~~may be eligible for services subject to a copayment, sliding~~
 8 ~~fee scale, or other cost-sharing requirement approved by the~~
 9 ~~department.~~

10 ~~c. A provider under the regional service system of a service~~
 11 ~~that is not funded by the medical assistance program under~~
 12 ~~chapter 249A may waive the copayment or other cost-sharing~~
 13 ~~arrangement if the provider is not reimbursed for the cost with~~
 14 ~~public funds.~~

15 ~~3. b.~~ A person who is eligible for federally funded
 16 services and other support must apply for such services and
 17 support.

18 ~~4. c.~~ The person ~~is~~ must be in compliance with resource
 19 limitations identified in rule adopted by the state commission.
 20 The limitation shall be derived from the federal supplemental
 21 security income program resource limitations. A person with
 22 resources above the federal supplemental security income
 23 program resource limitations may be eligible subject to
 24 limitations adopted in rule by the state commission pursuant
 25 to a recommendation made by the department. If a person does
 26 not qualify for federally funded services and other support but
 27 meets income, resource, and functional eligibility requirements
 28 for regional services, the following types of resources shall
 29 be disregarded:

30 ~~a. (1)~~ A retirement account that is in the accumulation
 31 stage.

32 ~~b. (2)~~ A burial, medical savings, or assistive technology
 33 account.

34 2. a. A region or a service provider contracting with the
 35 region shall not apply a copayment, sliding fee scale, or other

1 cost-sharing requirement for a particular service to a person
 2 with an income equal to or less than one hundred fifty percent
 3 of the federal poverty level.

4 b. Notwithstanding subsection 1, paragraph "a", a person
 5 with an income above one hundred fifty percent of the federal
 6 poverty level may be eligible for services subject to a
 7 copayment, sliding fee scale, or other cost-sharing requirement
 8 approved by the department.

9 c. A provider under the regional service system of a service
 10 that is not funded by the medical assistance program under
 11 chapter 249A may waive the copayment or other cost-sharing
 12 arrangement if the provider is not reimbursed for the cost with
 13 public funds.

14 Sec. 91. Section 331.606A, subsection 3, Code 2013, is
 15 amended to read as follows:

16 3. *Redaction from electronic documents.* Personally
 17 identifiable information that is contained in electronic
 18 documents that are displayed for public access on ~~a website~~ an
 19 internet site, or which are transferred to any person, shall
 20 be redacted prior to displaying or transferring the documents.
 21 Each recorder that displays electronic documents and the
 22 county land record information system that displays electronic
 23 documents on behalf of a county shall implement a system for
 24 redacting personally identifiable information. The recorder
 25 and the governing board of the county land record information
 26 system shall establish a procedure by which individuals may
 27 request that personally identifiable information contained
 28 in an electronic document displayed on ~~a website~~ an internet
 29 site be redacted, at no fee to the requesting individual. The
 30 requirements of this subsection shall be fully implemented not
 31 later than December 31, 2011.

32 Sec. 92. Section 331.606A, subsection 6, paragraph b, Code
 33 2013, is amended to read as follows:

34 b. Subsection 3 shall not apply to a military separation
 35 or discharge record, a birth record, a death certificate,

1 or marriage certificate unless such record or certificate
2 is incorporated within another document or instrument that
3 is recorded and displayed for public access on a ~~website~~ an
4 internet site.

5 Sec. 93. Section 331.653, subsection 33, Code 2013, is
6 amended to read as follows:

7 33. Carry out duties relating to the enforcement of laws
8 prohibiting the operation of a motor vehicle while ~~under the~~
9 ~~influence of an alcoholic beverage~~ intoxicated as provided in
10 chapter 321J.

11 Sec. 94. Section 341A.15, Code 2013, is amended to read as
12 follows:

13 **341A.15 Leave of absence.**

14 Leave of absence, without pay, may be granted by any county
15 sheriff to any person under civil service, ~~however, the~~. The
16 sheriff shall give notice of leave to the commission.

17 Sec. 95. Section 357A.11, subsection 1, Code 2013, is
18 amended to read as follows:

19 1. Adopt rules, regulations, and rate schedules in
20 conformity with the provisions of this ~~Act~~ chapter and the
21 bylaws of the district as necessary for the conduct of the
22 business of the district.

23 Sec. 96. Section 357E.9, subsection 1, paragraph b, Code
24 2013, is amended to read as follows:

25 b. (1) For districts in existence on July 1, 2011, the
26 number of trustees, other than those appointed under subsection
27 2, shall be increased from three trustees to seven trustees.
28 For the initial seven-member board under this paragraph "b", the
29 board of supervisors shall appoint four trustees. One trustee
30 shall be appointed to serve for one year, one for two years,
31 and two for three years. The term of each trustee appointed
32 under this ~~paragraph~~ subparagraph shall expire on the same date
33 as the term of the current trustee whose term expires during
34 the same year.

35 (2) This paragraph "b" is repealed on July 1, 2018.

1 Sec. 97. Section 368.26, Code 2013, is amended to read as
2 follows:

3 **368.26 Annexation of certain property — compliance with less**
4 **stringent regulations.**

5 1. A city ordinance or regulation that regulates a
6 condition or activity occurring on protected farmland or
7 regulates a person who owns and operates protected farmland is
8 unenforceable against the owner of the protected farmland for a
9 period of ten years from the effective date of the annexation,
10 to the extent the city ordinance or regulation is more
11 stringent than county legislation. Section 335.2 shall apply
12 to the protected farmland until the owner of the protected
13 farmland determines that the land will no longer be operated as
14 an agricultural operation. Any enforcement activity conducted
15 in violation of this section is void.

16 2. A ~~“condition”~~ For purposes of this section:

17 a. “Condition or activity occurring on protected farmland”
18 includes but is not limited to the raising, harvesting,
19 drying, or storage of crops; the marketing of products at
20 roadside stands or farm markets; the creation of noise, odor,
21 dust, or fumes; the production, care, feeding, or housing
22 of animals including but not limited to the construction,
23 operation, or management of an animal feeding operation, an
24 animal feeding operation structure, or aerobic structure, and
25 to the storage, handling, or application of manure or egg
26 washwater; the operation of machinery including but not limited
27 to planting and harvesting equipment, grain dryers, grain
28 handling equipment, and irrigation pumps; ground and aerial
29 seeding and spraying; the application of chemical fertilizers,
30 conditioners, insecticides, pesticides, and herbicides; and the
31 employment and use of labor.

32 b. “County legislation” means any ordinance, motion,
33 resolution, or amendment adopted by a county pursuant to
34 section 331.302.

35 c. For the purposes of this section, “protected” “Protected

1 *farmland* means land that is part of a century farm as that term
 2 is defined in section 403.17, subsection 10. ~~For the purposes~~
 3 ~~of this section, "county legislation" means any ordinance,~~
 4 ~~motion, resolution, or amendment adopted by a county pursuant~~
 5 ~~to section 331.302.~~

6 Sec. 98. Section 411.6, subsection 16, paragraph a,
 7 subparagraph (1), Code 2013, is amended to read as follows:

8 (1) The disability would not exist but for the member's
 9 chemical dependency, ~~as defined in section 125.2,~~ on a schedule
 10 I controlled substance, as defined in section 124.204, or
 11 the member's chemical dependency on a schedule II controlled
 12 substance, as defined in section 124.206, resulting from the
 13 inappropriate use of the schedule II controlled substance. For
 14 purposes of this subparagraph, "chemical dependency" means an
 15 addiction or dependency, either physical or psychological, on
 16 a chemical substance. Persons who take medically prescribed
 17 drugs shall not be considered chemically dependent if the drug
 18 is medically prescribed and the intake is proportionate to the
 19 medical need.

20 Sec. 99. Section 419.1, subsection 12, paragraph c, Code
 21 2013, is amended to read as follows:

22 c. Purposes that are eligible for financing from qualified
 23 midwestern disaster area bonds authorized under the federal
 24 Emergency Economic Stabilization Act of 2008, Pub. L. No.
 25 ~~110-185~~ 110-343, together with any other financing necessary or
 26 desirable in connection with such purposes.

27 Sec. 100. Section 420.224, Code 2013, is amended to read as
 28 follows:

29 **420.224 Limitation on resale by city.**

30 ~~No property~~ Property which may be sold at tax sale to any
 31 such city shall not be offered at any sale for taxes or special
 32 assessments, collectible by such city, while it holds the
 33 certificate of purchase thereof or tax deed thereon except
 34 ~~only as follows: In the event that if~~ any special assessment
 35 or installment thereof levied by any such city prior to April

1 22, 1941, shall be or become delinquent after purchase of such
 2 property at tax sale by the city, then the property against
 3 which the same was levied may be sold therefor only at the
 4 first regular tax sale of such city occurring within such a
 5 period of time after delinquency that sale for such assessment
 6 or installment might lawfully be made at such first regular tax
 7 sale. Nothing in sections 420.220 to 420.229 shall prevent
 8 the sale of property for any unpaid taxes collectible by the
 9 county.

10 Sec. 101. Section 421.30, subsection 1, Code 2013, is
 11 amended to read as follows:

12 1. ~~There~~ A reassessment expense fund is created in the
 13 office of the treasurer of state a ~~"reassessment expense~~
 14 ~~fund"~~ for the purpose of providing loans to a city and county
 15 conference board for conducting reassessments of property.
 16 There is appropriated to the reassessment expense fund from the
 17 general fund of the state from any unappropriated funds in the
 18 general fund of the state such funds as are necessary to carry
 19 out the provisions of this section, section 421.17, subsection
 20 19, and ~~the last paragraph of~~ section 441.19, subsection 2,
 21 subject to the approval of the director of revenue. Repayment
 22 of loans shall be credited to the fund.

23 Sec. 102. Section 421C.4, subsection 1, Code 2013, is
 24 amended to read as follows:

25 1. As used in this section, *"county attorney"* means a single
 26 county attorney office or a group of county attorney offices
 27 whose counties have entered into an agreement pursuant to
 28 chapter 28E and pursuant to section 602.8107, subsection 4, to
 29 collect delinquent court debt.

30 Sec. 103. Section 423B.1, subsection 4, paragraph a, Code
 31 2013, is amended to read as follows:

32 a. A county board of supervisors shall direct within
 33 thirty days the county commissioner of elections to submit the
 34 question of imposition of a local vehicle tax or a local sales
 35 and services tax to the registered voters of the incorporated

1 and unincorporated areas of the county upon receipt of a
 2 petition, requesting imposition of a local vehicle tax or a
 3 local sales and services tax, signed by eligible electors of
 4 the whole county equal in number to five percent of the persons
 5 in the whole county who voted at the last preceding state
 6 general election. In the case of a local vehicle tax, the
 7 petition requesting imposition shall specify the rate of tax
 8 and the classes, if any, that are to be exempt. If more than
 9 one valid petition is received, the earliest received petition
 10 shall be used.

11 Sec. 104. Section 423B.2, Code 2013, is amended to read as
 12 follows:

13 **423B.2 Local vehicle tax.**

14 1. An annual local vehicle tax at the rate per vehicle
 15 specified on the ballot proposition may be imposed by a
 16 county on every vehicle which is required by the state to
 17 be registered ~~by the state~~ and is registered with the county
 18 treasurer to a person residing within the county where the tax
 19 is imposed at the time of the renewal of the registration of
 20 the vehicle. The local vehicle tax shall be imposed only on
 21 the renewals of registrations and shall be payable during the
 22 registration renewal periods provided under section 321.40.

23 2. The county imposing the tax shall provide for the
 24 exemption of each class, if any, of vehicles for which an
 25 exemption was listed on the ballot proposition.

26 3. For the purpose of the tax authorized by this section,
 27 ~~"person"~~ and ~~"registration year"~~ mean:

28 a. "Person" means the same as defined in section 321.1.

29 b. "Registration year" means the same as defined in section
 30 321.1, and "vehicle".

31 c. "Vehicle" means motor vehicle as defined in section 321.1
 32 which is subject to registration under section 321.18, and
 33 which is registered with the county treasurer.

34 Sec. 105. Section 427B.17, Code 2013, is amended to read as
 35 follows:

1 **427B.17 Property subject to special valuation.**

2 1. For purposes of this section:

3 a. "Electric power generating plant" means any nameplate
 4 rated electric power generating plant, in which electric energy
 5 is produced from other forms of energy, including all taxable
 6 land, buildings, and equipment used in the production of such
 7 energy.

8 b. "Net acquisition cost" means the acquired cost of the
 9 property including all foundations and installation cost less
 10 any excess cost adjustment.

11 c. "Net actual generation" means net electrical megawatt
 12 hours produced by the unit during the preceding assessment
 13 year.

14 d. "Net capacity factor" means net actual generation divided
 15 by the product of net maximum capacity times the number of
 16 hours the unit was in the active state during the assessment
 17 year. Upon commissioning, a unit is in the active state until
 18 it is decommissioned.

19 e. "Net maximum capacity" means the capacity the unit can
 20 sustain over a specified period when not restricted by ambient
 21 conditions or equipment deratings, minus the losses associated
 22 with station service or auxiliary loads.

23 ~~1. 2. For property defined in section 427A.1, subsection~~
 24 ~~1, paragraphs "e" and "j", the taxpayer's valuation shall be~~
 25 ~~limited to thirty percent of the net acquisition cost of the~~
 26 ~~property, except as otherwise provided in subsections 2 3 and 3~~
 27 ~~4. For purposes of this section, "net acquisition cost" means~~
 28 ~~the acquired cost of the property including all foundations and~~
 29 ~~installation cost less any excess cost adjustment.~~

30 ~~2. 3. Property defined in section 427A.1, subsection 1,~~
 31 ~~paragraphs "e" and "j", which is first assessed for taxation in~~
 32 ~~this state on or after January 1, 1995, shall be exempt from~~
 33 ~~taxation.~~

34 ~~3. 4. Property defined in section 427A.1, subsection 1,~~
 35 ~~paragraphs "e" and "j", and assessed under subsection 1 2 of~~

1 this section, shall be valued by the local assessor as follows
2 for the following assessment years:

3 a. For the assessment year beginning January 1, 1999, at
4 twenty-two percent of the net acquisition cost.

5 b. For the assessment year beginning January 1, 2000, at
6 fourteen percent of the net acquisition cost.

7 c. For the assessment year beginning January 1, 2001, at six
8 percent of the net acquisition cost.

9 d. For the assessment year beginning January 1, 2002,
10 and succeeding assessment years, at zero percent of the net
11 acquisition cost.

12 ~~4.~~ 5. Property assessed pursuant to this section shall
13 not be eligible to receive a partial exemption under sections
14 427B.1 to 427B.6.

15 ~~5. This section shall not apply to property assessed by the~~
16 ~~department of revenue pursuant to sections 428.24 to 428.29, or~~
17 ~~chapters 433, 434, 437, 437A, and 438, and such property shall~~
18 ~~not receive the benefits of this section.~~

19 ~~Any electric power generating plant which operated during~~
20 ~~the preceding assessment year at a net capacity factor of more~~
21 ~~than twenty percent, shall not receive the benefits of this~~
22 ~~section or of section 15.332. For purposes of this section,~~
23 ~~"electric power generating plant" means any nameplate rated~~
24 ~~electric power generating plant, in which electric energy is~~
25 ~~produced from other forms of energy, including all taxable~~
26 ~~land, buildings, and equipment used in the production of such~~
27 ~~energy. "Net capacity factor" means net actual generation~~
28 ~~divided by the product of net maximum capacity times the~~
29 ~~number of hours the unit was in the active state during the~~
30 ~~assessment year. Upon commissioning, a unit is in the active~~
31 ~~state until it is decommissioned. "Net actual generation" means~~
32 ~~net electrical megawatt hours produced by the unit during the~~
33 ~~preceding assessment year. "Net maximum capacity" means the~~
34 ~~capacity the unit can sustain over a specified period when not~~
35 ~~restricted by ambient conditions or equipment deratings, minus~~

1 ~~the losses associated with station service or auxiliary loads.~~

2 6. For the purpose of dividing taxes under section 260E.4,
3 the employer's or business's valuation of property defined
4 in section 427A.1, subsection 1, paragraphs "e" and "j", and
5 used to fund a new jobs training project which project's
6 first written agreement providing for a division of taxes as
7 provided in section 403.19 is approved on or before June 30,
8 1995, shall be limited to thirty percent of the net acquisition
9 cost of the property. The community college shall notify
10 the assessor by February 15 of each assessment year if taxes
11 levied against such property of an employer or business will
12 be used to finance a project in the following fiscal year.
13 In any fiscal year in which the community college does rely
14 on taxes levied against an employer's or business's property
15 defined in section 427A.1, subsection 1, paragraph "e" or
16 "j", to finance a project, such property shall not be valued
17 pursuant to subsection 2 3 or 3 4, whichever is applicable,
18 for that fiscal year. An employer's or business's taxable
19 property used to fund a new jobs training project shall not
20 be valued pursuant to subsection 2 3 or 3 4, whichever is
21 applicable, until the assessment year following the calendar
22 year in which the certificates or other funding obligations
23 have been retired or escrowed. If the certificates issued,
24 or other funding obligations incurred, between January 1,
25 1982, and June 30, 1995, are refinanced or refunded after June
26 30, 1995, the valuation of such property shall then be the
27 valuation specified in subsection 2 3 or 3 4, whichever is
28 applicable, for the applicable assessment year beginning with
29 the assessment year following the calendar year in which those
30 certificates or other funding obligations are refinanced or
31 refunded after June 30, 1995.

32 7. Notwithstanding subsection 5 8 or any other provision
33 to the contrary, this section shall be applicable to a new
34 cogeneration facility subject to the assessed value provisions
35 of section 437A.16A, but the exemptions provided in this

1 section shall be reduced by an amount bearing the same ratio
 2 to the value of the property that is exempt pursuant to
 3 this section as the allowable credit under section 437A.16A,
 4 subsection 1, bears to the assessable value of the entire new
 5 cogeneration facility before the application of any abatements,
 6 credits, or exemptions against that value.

7 8. a. This section shall not apply to property assessed
 8 by the department of revenue pursuant to sections 428.24 to
 9 428.29, or chapters 433, 434, 437, 437A, and 438, and such
 10 property shall not receive the benefits of this section.

11 b. Any electric power generating plant which operated during
 12 the preceding assessment year at a net capacity factor of more
 13 than twenty percent, shall not receive the benefits of this
 14 section or of section 15.332.

15 Sec. 106. Section 432.12C, subsection 2, Code 2013, is
 16 amended to read as follows:

17 2. The taxes imposed under this ~~division~~ chapter shall
 18 be reduced by investment tax credits authorized pursuant to
 19 ~~sections~~ section 15.333A and section 15E.193B, subsection 6.

20 Sec. 107. Section 441.4, Code 2013, is amended to read as
 21 follows:

22 **441.4 Removal of member.**

23 A member of this examining board may be removed by the
 24 voting unit of the conference board by which the member was
 25 appointed but only after specific charges have been filed
 26 and a public hearing held, if a hearing is requested by the
 27 discharged member of the board. Subsequent appointments and an
 28 appointment to fill a vacancy shall be made in the same way as
 29 the original appointment.

30 Sec. 108. Section 453B.7, subsection 2, Code 2013, is
 31 amended to read as follows:

32 2. On each gram or portion of a gram of any taxable
 33 substance, other than marijuana, sold by weight ~~other than~~
 34 ~~marijuana,~~ two hundred fifty dollars.

35 Sec. 109. Section 455B.301, subsection 20, Code 2013, is

1 amended to read as follows:

2 20. "*Rubble*" means dirt, stone, brick, or similar inorganic
3 materials used for beneficial fill, landscaping, excavation,
4 or grading at places other than a sanitary disposal project.
5 "*Rubble*" includes asphalt waste only as long as it is not used
6 in contact with water or in a floodplain. For purposes of this
7 chapter, "*rubble*" does not mean gypsum or gypsum wallboard, coal
8 combustion residue, foundry sand, or other industrial process
9 wastes unless those wastes are approved by the department.

10 Sec. 110. Section 455D.11, subsection 7, paragraph c, Code
11 2013, is amended by striking the paragraph.

12 Sec. 111. Section 455F.7, subsection 1, Code 2013, is
13 amended to read as follows:

14 1. A retailer offering for sale or selling a household
15 hazardous material shall have a valid permit for each place
16 of business owned or operated by the retailer for this
17 activity. All permits provided for in this ~~division~~ section
18 shall expire on June 30 of each year. Every retailer shall
19 submit an annual application by July 1 of each year and a
20 fee of twenty-five dollars to the department of revenue for
21 a permit upon a form prescribed by the director of revenue.
22 Permits are nonrefundable, are based upon an annual operating
23 period, and are not prorated. A person in violation of this
24 section shall be subject to permit revocation upon notice and
25 hearing. The department shall remit the fees collected to the
26 household hazardous waste account of the groundwater protection
27 fund. A person distributing general use pesticides labeled for
28 agricultural or lawn and garden use with gross annual pesticide
29 sales of less than ten thousand dollars is subject to the
30 requirements and fee payment prescribed by this section.

31 Sec. 112. Section 455G.1, subsection 1, Code 2013, is
32 amended to read as follows:

33 1. This ~~chapter~~ subchapter is entitled the "*Iowa*
34 *Comprehensive Petroleum Underground Storage Tank Fund Act*".

35 Sec. 113. Section 455G.1, subsection 2, unnumbered

1 paragraph 1, Code 2013, is amended to read as follows:

2 This ~~chapter~~ subchapter applies to petroleum underground
3 storage tanks for which an owner or operator is required to
4 maintain proof of financial responsibility under federal
5 or state law, from the effective date of the regulation of
6 the federal environmental protection agency governing that
7 tank, and not from the effective compliance date, unless the
8 effective compliance date of the regulation is the effective
9 date of the regulation. An owner or operator of a petroleum
10 underground storage tank required by federal or state law to
11 maintain proof of financial responsibility for that underground
12 storage tank is subject to this ~~chapter~~ subchapter and chapter
13 424.

14 Sec. 114. Section 455G.2, unnumbered paragraph 1, Code
15 2013, is amended to read as follows:

16 As used in this ~~chapter~~ subchapter unless the context
17 otherwise requires:

18 Sec. 115. Section 455G.2, subsection 2, Code 2013, is
19 amended to read as follows:

20 2. "*Bond*" means a bond, note, or other obligation issued by
21 the treasurer of state for the fund and the purposes of this
22 ~~chapter~~ subchapter.

23 Sec. 116. Section 455G.3, subsections 1 through 3, Code
24 2013, are amended to read as follows:

25 1. The Iowa comprehensive petroleum underground storage
26 tank fund is created as a separate fund in the state treasury,
27 and any funds remaining in the fund at the end of each fiscal
28 year shall not revert to the general fund but shall remain
29 in the Iowa comprehensive petroleum underground storage tank
30 fund. Interest or other income earned by the fund shall
31 be deposited in the fund. The fund shall include moneys
32 credited to the fund under this section, section 321.145,
33 subsection 2, paragraph "a", and sections 455G.8 and 455G.9,
34 and section 455G.11, Code 2003, and other funds which by
35 law may be credited to the fund. The moneys in the fund are

1 appropriated to and for the purposes of the board as provided
 2 in this ~~chapter~~ subchapter. Amounts in the fund shall not be
 3 subject to appropriation for any other purpose by the general
 4 assembly, but shall be used only for the purposes set forth
 5 in this ~~chapter~~ subchapter. The treasurer of state shall act
 6 as custodian of the fund and disburse amounts contained in it
 7 as directed by the board including automatic disbursements of
 8 funds as received pursuant to the terms of bond indentures and
 9 documents and security provisions to trustees and custodians.
 10 The treasurer of state is authorized to invest the funds
 11 deposited in the fund at the direction of the board and
 12 subject to any limitations contained in any applicable bond
 13 proceedings. The income from such investment shall be credited
 14 to and deposited in the fund. The fund shall be administered
 15 by the board which shall make expenditures from the fund
 16 consistent with the purposes of the programs set out in this
 17 ~~chapter~~ subchapter without further appropriation. The fund may
 18 be divided into different accounts with different depositories
 19 as determined by the board and to fulfill the purposes of this
 20 ~~chapter~~ subchapter.

21 2. The board shall assist Iowa's owners and operators
 22 of petroleum underground storage tanks in complying with
 23 federal environmental protection agency technical and financial
 24 responsibility regulations by establishment of the Iowa
 25 comprehensive petroleum underground storage tank fund. The
 26 treasurer of state may issue its bonds, or series of bonds, to
 27 assist the board, as provided in this ~~chapter~~ subchapter.

28 3. The purposes of this ~~chapter~~ subchapter shall include but
 29 are not limited to any of the following:

30 a. To establish a remedial account to fund corrective action
 31 for petroleum releases as provided by section 455G.9.

32 b. To establish a loan guarantee account, as provided by and
 33 to the extent permitted by section 455G.10, Code 1999.

34 c. To establish a marketability fund for the purposes as
 35 stated in section 455G.21.

1 Sec. 117. Section 455G.4, subsection 1, paragraph a,
2 subparagraph (4), Code 2013, is amended to read as follows:

3 (4) Three public members appointed by the governor and
4 confirmed by the senate to staggered four-year terms, except
5 that, of the first members appointed, one public member shall
6 be appointed for a term of two years and one for a term of four
7 years. A public member shall have experience, knowledge, and
8 expertise of the subject matter embraced within this ~~chapter~~
9 subchapter. A public member may have experience in either, or
10 both, financial markets or insurance.

11 Sec. 118. Section 455G.4, subsection 3, paragraph a, Code
12 2013, is amended to read as follows:

13 a. The board shall adopt rules regarding its practice
14 and procedures, develop underwriting standards, establish
15 procedures for investigating and settling claims made against
16 the fund, and otherwise implement and administer this ~~chapter~~
17 subchapter.

18 Sec. 119. Section 455G.4, subsection 5, paragraphs a and b,
19 Code 2013, are amended to read as follows:

20 a. The board shall approve any contract entered into
21 pursuant to this ~~chapter~~ subchapter if the cost of the contract
22 exceeds seventy-five thousand dollars.

23 b. A listing of all contracts entered into pursuant to this
24 ~~chapter~~ subchapter shall be presented at each board meeting
25 and shall be made available to the public. The listing shall
26 state the interested parties to the contract, the amount of the
27 contract, and the subject matter of the contract.

28 Sec. 120. Section 455G.5, unnumbered paragraph 2, Code
29 2013, is amended to read as follows:

30 The board may enter into a contract or an agreement
31 authorized under chapter 28E with a private agency or person,
32 the department of natural resources, the Iowa finance
33 authority, the department of administrative services, the
34 department of revenue, other departments, agencies, or
35 governmental subdivisions of this state, another state, or

1 the United States, in connection with its administration and
2 implementation of this ~~chapter~~ subchapter or chapter 424 or
3 455B.

4 Sec. 121. Section 455G.6, unnumbered paragraph 1, Code
5 2013, is amended to read as follows:

6 In administering the fund, the board has all of the general
7 powers reasonably necessary and convenient to carry out its
8 purposes and duties and may do any of the following, subject to
9 express limitations contained in this ~~chapter~~ subchapter:

10 Sec. 122. Section 455G.6, subsection 8, Code 2013, is
11 amended to read as follows:

12 8. Bonds issued under this section are payable solely and
13 only out of the moneys, assets, or revenues of the fund, all
14 of which may be deposited with trustees or depositories in
15 accordance with bond or security documents and pledged by the
16 board to the payment thereof, and are not an indebtedness of
17 this state, or a charge against the general credit or general
18 fund of the state, and the state shall not be liable for any
19 financial undertakings with respect to the fund. Bonds issued
20 under this ~~chapter~~ subchapter shall contain on their face a
21 statement that the bonds do not constitute an indebtedness of
22 the state.

23 Sec. 123. Section 455G.6, subsection 10, paragraph c, Code
24 2013, is amended to read as follows:

25 c. Subject to the terms, conditions, and covenants providing
26 for the payment of the principal, redemption premiums, if
27 any, interest, and other terms, conditions, covenants, and
28 protective provisions safeguarding payment, not inconsistent
29 with this ~~chapter~~ subchapter and as determined by the trust
30 indenture, resolution, or other instrument authorizing their
31 issuance.

32 Sec. 124. Section 455G.6, subsections 14 through 17, Code
33 2013, are amended to read as follows:

34 14. Bonds issued under the provisions of this section are
35 declared to be issued for an essential public and governmental

1 purpose and all bonds issued under this ~~chapter~~ subchapter
 2 shall be exempt from taxation by the state of Iowa and the
 3 interest on the bonds shall be exempt from the state income tax
 4 and the state inheritance and estate tax.

5 15. a. Subject to the terms of any bond documents, moneys
 6 in the fund or fund accounts may be expended for administration
 7 expenses, civil penalties, moneys paid under an agreement,
 8 stipulation, or settlement, for the costs associated with sites
 9 within a community remediation project, for costs related to
 10 contracts entered into with a state agency or university,
 11 costs for activities relating to litigation, or for the
 12 costs of any other activities as the board may determine are
 13 necessary and convenient to facilitate compliance with and to
 14 implement the intent of federal laws and regulations and this
 15 ~~chapter~~ subchapter. For purposes of this ~~chapter~~ subchapter,
 16 administration expenses include expenses incurred by the
 17 underground storage tank section of the department of natural
 18 resources in relation to tanks regulated under this ~~chapter~~
 19 subchapter.

20 b. The authority granted under this subsection which
 21 allows the board to expend fund moneys on an activity the
 22 board determines is necessary and convenient to facilitate
 23 compliance with and to implement the intent of federal laws and
 24 regulations and this ~~chapter~~ subchapter, shall only be used in
 25 accordance with the following:

26 (1) Prior board approval shall be required before
 27 expenditure of moneys pursuant to this authority shall be made.

28 (2) If the expenditure of fund moneys pursuant to this
 29 authority would result in the board establishing a policy which
 30 would substantially affect the operation of the program, rules
 31 shall be adopted pursuant to chapter 17A prior to the board or
 32 the administrator taking any action pursuant to this proposed
 33 policy.

34 16. The board shall cooperate with the department of
 35 natural resources in the implementation and administration of

1 this ~~chapter~~ subchapter to assure that in combination with
 2 existing state statutes and rules governing underground storage
 3 tanks, the state will be, and continue to be, recognized by
 4 the federal government as having an "*approved state account*"
 5 under the federal Resource Conservation and Recovery Act,
 6 especially by compliance with the Act's subtitle I financial
 7 responsibility requirements as enacted in the federal Superfund
 8 Amendments and Reauthorization Act of 1986 and the financial
 9 responsibility regulations adopted by the United States
 10 environmental protection agency at 40 C.F.R. pts. 280 and 281.
 11 Whenever possible this ~~chapter~~ subchapter shall be interpreted
 12 to further the purposes of, and to comply, and not to conflict,
 13 with such federal requirements.

14 17. The board may adopt rules pursuant to chapter 17A
 15 providing for the transfer of all or a portion of the
 16 liabilities of the board under this ~~chapter~~ subchapter.
 17 Notwithstanding other provisions to the contrary, the board,
 18 upon such transfer, shall not maintain any duty to reimburse
 19 claimants under this ~~chapter~~ subchapter for those liabilities
 20 transferred.

21 Sec. 125. Section 455G.8, subsection 2, Code 2013, is
 22 amended to read as follows:

23 2. *Statutory allocations fund.* The moneys credited from the
 24 statutory allocations fund under section 321.145, subsection 2,
 25 paragraph "a", shall be allocated, consistent with this ~~chapter~~
 26 subchapter, among the fund's accounts, for debt service and
 27 other fund expenses, according to the fund budget, resolution,
 28 trust agreement, or other instrument prepared or entered into
 29 by the board or treasurer of state under direction of the
 30 board.

31 Sec. 126. Section 455G.9, subsection 7, Code 2013, is
 32 amended to read as follows:

33 7. *Expenses of cleanup not required.* When an owner or
 34 operator who is eligible for benefits under this ~~chapter~~
 35 subchapter is allowed by the department of natural resources

1 to monitor in place, the expenses incurred for cleanup beyond
 2 the level required by the department of natural resources may
 3 be covered under any of the accounts established under the
 4 fund only if approved by the board as cost-effective relative
 5 to the department accepted monitoring plan or relative to
 6 the repeal date specified in section 424.19. The cleanup
 7 expenses incurred for work completed beyond what is required
 8 is the responsibility of the person contracting for the excess
 9 cleanup. The board shall seek to terminate the responsible
 10 party's environmental liabilities at such sites prior to the
 11 board ceasing operation.

12 Sec. 127. Section 455G.12, subsection 2, paragraph e, Code
 13 2013, is amended to read as follows:

14 e. The intent of this ~~chapter~~ subchapter that the board
 15 shall maximize the availability of reasonably priced,
 16 financially sound insurance coverage or loan guarantee
 17 assistance.

18 Sec. 128. Section 455G.13, subsection 3, Code 2013, is
 19 amended to read as follows:

20 3. *Owner or operator not in compliance, subject to full*
 21 *and total cost recovery.* Notwithstanding subsection 2, the
 22 liability of an owner or operator shall be the full and total
 23 costs of corrective action and bodily injury or property damage
 24 to third parties, as specified in subsection 1, if the owner
 25 or operator has not complied with the financial responsibility
 26 or other underground storage tank rules of the department of
 27 natural resources or with this ~~chapter~~ subchapter and rules
 28 adopted under this ~~chapter~~ subchapter.

29 Sec. 129. Section 455G.13, subsection 4, paragraph b, Code
 30 2013, is amended to read as follows:

31 b. The punitive damages imposed under this subsection are
 32 in addition to any costs or expenditures recovered from the
 33 owner or operator pursuant to this ~~chapter~~ subchapter and
 34 in addition to any other penalty or relief provided by this
 35 ~~chapter~~ subchapter or any other law.

1 Sec. 130. Section 455G.13, subsection 6, Code 2013, is
2 amended to read as follows:

3 6. *Joinder of parties.* The department of natural resources
4 has standing in any case or contested action related to the
5 fund or a tank to assert any claim that the department may have
6 regarding the tank at issue in the case or contested action,
7 ~~upon.~~ Upon motion and sufficient showing by a party to a cost
8 recovery or subrogation action provided for under this section,
9 the court or the administrative law judge shall join to the
10 action any potentially responsible party who may be liable for
11 costs and expenditures of the type recoverable pursuant to this
12 section.

13 Sec. 131. Section 455G.13, subsection 8, Code 2013, is
14 amended to read as follows:

15 8. *Third-party contracts not binding on board, proceedings*
16 *against responsible party.* An insurance, indemnification, hold
17 harmless, conveyance, or similar risk-sharing or risk-shifting
18 agreement shall not be effective to transfer any liability
19 for costs recoverable under this section. The fund, board,
20 or department of natural resources may proceed directly
21 against the owner or operator or other allegedly responsible
22 party. This section does not bar any agreement to insure,
23 hold harmless, or indemnify a party to the agreement for any
24 costs or expenditures under this ~~chapter~~ subchapter, and does
25 not modify rights between the parties to an agreement, except
26 to the extent the agreement shifts liability to an owner or
27 operator eligible for assistance under the remedial account for
28 any damages or other expenses in connection with a corrective
29 action for which another potentially responsible party is or
30 may be liable. Any such provision is null and void and of no
31 force or effect.

32 Sec. 132. Section 455G.13, subsection 10, paragraphs a and
33 b, Code 2013, are amended to read as follows:

34 a. Upon payment by the fund for corrective action or
35 third-party liability pursuant to this ~~chapter~~ subchapter, the

1 rights of the claimant to recover payment from any potentially
 2 responsible party, are assumed by the board to the extent paid
 3 by the fund. A claimant is precluded from receiving double
 4 compensation for the same injury.

5 **b.** In an action brought pursuant to this ~~chapter~~ subchapter
 6 seeking damages for corrective action or third-party liability,
 7 the court shall permit evidence and argument as to the
 8 replacement or indemnification of actual economic losses
 9 incurred or to be incurred in the future by the claimant
 10 by reason of insurance benefits, governmental benefits or
 11 programs, or from any other source.

12 Sec. 133. Section 455G.13, subsection 12, Code 2013, is
 13 amended to read as follows:

14 12. *Recovery or subrogation — installers and*
 15 *inspectors.* Notwithstanding any other provision contained in
 16 this ~~chapter~~ subchapter, the board or a person insured under
 17 the underground storage tank insurance fund established in
 18 section 455G.11, Code 2003, has no right of recovery or right
 19 of subrogation against an installer or an inspector who was
 20 insured by the underground storage tank insurance fund for the
 21 tank giving rise to the liability other than for recovery of
 22 any deductibles paid.

23 Sec. 134. Section 455G.21, subsection 2, paragraph a, Code
 24 2013, is amended to read as follows:

25 **a.** The innocent landowners fund shall be established as
 26 a separate fund in the state treasury under the control of
 27 the board. The innocent landowners fund shall include any
 28 moneys recovered pursuant to cost recovery enforcement under
 29 section 455G.13. Notwithstanding section 455G.1, subsection
 30 2, benefits for the costs of corrective action may be provided
 31 to the owner of a petroleum-contaminated property, or an
 32 owner or operator of an underground storage tank located
 33 on the property, who is not otherwise eligible to receive
 34 benefits under section 455G.9 due to the date on which the
 35 release causing the contamination was reported or the date

1 the claim was filed. An owner of a petroleum-contaminated
 2 property, or an owner or operator of an underground storage
 3 tank located on the property, shall be eligible for payment
 4 of corrective action costs subject to copayment requirements
 5 under section 455G.9, subsection 4. The board may adopt rules
 6 conditioning receipt of benefits under this paragraph to those
 7 petroleum-contaminated properties which present a higher degree
 8 of risk to the public health and safety or the environment and
 9 may adopt rules providing for denial of benefits under this
 10 paragraph to a person who did not make a good faith attempt
 11 to comply with the provisions of this ~~chapter~~ subchapter.
 12 This paragraph does not confer a legal right to an owner of
 13 petroleum-contaminated property, or an owner or operator of an
 14 underground storage tank located on the property, for receipt
 15 of benefits under this paragraph.

16 Sec. 135. Section 455G.21, subsection 3, Code 2013, is
 17 amended to read as follows:

18 3. Moneys in the fund shall not be used for purposes of
 19 bonding or providing security for bonding under this ~~chapter~~
 20 subchapter.

21 Sec. 136. Section 455G.31, subsection 2, Code 2013, is
 22 amended to read as follows:

23 2. A retail dealer may use gasoline storage and dispensing
 24 infrastructure to store and dispense ethanol blended gasoline
 25 classified as E-9 or higher if the department of natural
 26 resources under this ~~chapter~~ subchapter or the state fire
 27 marshal under chapter 101 determines that it is compatible with
 28 the ethanol blended gasoline being used.

29 Sec. 137. Section 461.36, subsection 2, unnumbered
 30 paragraph 1, Code 2013, is amended to read as follows:

31 The department of natural resources shall ~~allocate~~
 32 distribute trust fund moneys ~~in~~ from the account to local
 33 communities for the following initiatives:

34 Sec. 138. Section 461.37, subsection 2, Code 2013, is
 35 amended to read as follows:

1 2. The department of transportation and the department of
2 natural resources shall ~~allocate~~ use moneys in the account
3 to support initiatives related to the design, establishment,
4 maintenance, improvement, and expansion of land trails.

5 Sec. 139. Section 461.38, subsection 1, Code 2013, is
6 amended to read as follows:

7 1. A lake restoration account is created in the trust fund.
8 Seven percent of the moneys credited to the trust fund shall be
9 ~~deposited~~ allocated to the account.

10 Sec. 140. Section 468.21, Code 2013, is amended to read as
11 follows:

12 **468.21 Hearing of petition — dismissal.**

13 The petition may be amended at any time before final action
14 on the petition. At the time set for hearing on ~~said the~~
15 petition, the board shall hear and determine the sufficiency
16 of the petition in form and substance ~~(which petition may~~
17 ~~be amended at any time before final action thereon)~~, and
18 all objections filed against the establishment of such
19 district, and the board may view the premises included in the
20 said district. ~~If it shall find~~ the board finds that the
21 construction of the proposed improvement will not materially
22 benefit said lands or would not be for the public benefit or
23 utility nor conducive to the public health, convenience, or
24 welfare, or that the cost thereof is excessive ~~it~~ the board
25 shall dismiss the proceedings.

26 Sec. 141. Section 468.252, Code 2013, is amended to read as
27 follows:

28 **468.252 Hearing on petition.**

29 The petition may be amended at any time before final action
30 on the petition. At the time set for hearing on ~~said the~~
31 petition, the board shall hear and determine the sufficiency
32 of the petition as to form and substance ~~(which petition may~~
33 ~~be amended at any time before final action thereon)~~, and all
34 objections filed against the abandonment and dissolution of
35 such district. ~~If it shall find~~ the board finds that such

1 district is free from indebtedness and that the necessity for
 2 the continued maintenance thereof no longer exists or that the
 3 expense of the continued maintenance of such district is not
 4 commensurate with the benefits derived therefrom, ~~it~~ the board
 5 shall enter an order abandoning and dissolving such district,
 6 which order shall be filed with the county auditor of the
 7 county or counties in which such district is situated and noted
 8 on the drainage record.

9 Sec. 142. Section 477.10, Code 2013, is amended to read as
 10 follows:

11 **477.10 Definitions.**

12 1. a. "*Local exchange*", within the meaning of this Act
 13 subchapter, shall refer to a telephone line or lines or to a
 14 telephone switchboard or switchboards operating by virtue of a
 15 franchise granted by a city furnishing telephonic communication
 16 between two or more members of the public within the same city,
 17 village, community, locality or neighborhood, which said line
 18 or lines or switchboard or switchboards shall be under the same
 19 management and control.

20 b. "*Local exchange*" within the meaning of this Act
 21 subchapter shall not include or refer to privately owned or
 22 leased lines or switchboards, operated and used by members
 23 of the public other than telephone or telegraph companies as
 24 a public utility by which the public is offered telephonic
 25 service.

26 2. "*Local exchange company*" within the meaning of this Act
 27 subchapter, shall refer to any one or more individuals, firms
 28 or corporations operating one or more local exchanges as ~~herein~~
 29 defined in this section.

30 3. "*Long distance company*" within the meaning of this Act
 31 subchapter shall refer to and include one or more persons,
 32 firms or corporations operating connecting lines between two
 33 or more local exchanges, one or more of which local exchanges
 34 are owned by a local telephone company other than such person,
 35 firm or corporation, over which line or lines telephonic

1 communication is had between members of the public connected
2 with said local exchanges.

3 Sec. 143. Section 481A.6A, subsection 1, Code 2013, is
4 amended to read as follows:

5 1. As used in this section, "*pen-reared pheasant*" means a
6 Chinese ring-necked pheasant (*Phasianus colchicus torquatus*)
7 and its subspecies which originates from a captive population
8 and which has been propagated and held by a hatchery. For the
9 purposes of this section "*pen-reared pheasant*" does not include
10 a Reeves (*Syrmaticus reevesii*) or Lady Amherst (*Chrysolophus*
11 *amherstiae*) pheasant, a subspecies of the Chinese ring-necked
12 pheasant ~~such~~ classified as a Japanese (*Phasianus versicolor*)
13 or a Black-necked (*P. colchicus colchicus*) pheasant, or
14 a melanistic mutant (black, white, or other color mix) of
15 the Chinese ring-necked pheasant. This subsection is not
16 applicable to game birds released for officially sanctioned
17 field meets or trials and retriever meets or trials on private
18 land pursuant to section 481A.22, pen-raised game birds used
19 on private land pursuant to section 481A.56, or game birds
20 released on hunting preserves pursuant to chapter 484B.

21 Sec. 144. Section 481A.72, subsection 1, Code 2013, is
22 amended to read as follows:

23 1. A Except as otherwise provided in this chapter, a person
24 shall not at any time take from the waters of the state any
25 ~~fish, except as otherwise provided in this chapter, except with~~
26 ~~hook, line, and bait, nor shall a.~~ A person shall not use more
27 than three lines nor more than two hooks on each line in still
28 fishing or trolling, ~~and in.~~ In fly fishing not more than two
29 flies may be used on one line, and in trolling and bait casting
30 not more than two trolling spoons or artificial bait may be
31 used on one line.

32 Sec. 145. Section 489.1303, Code 2013, is amended to read
33 as follows:

34 **489.1303 Savings clause.**

35 This chapter does not affect an action commenced, proceeding

1 brought, or right accrued before ~~this chapter takes effect~~
2 January 1, 2009.

3 Sec. 146. Section 490.1114, subsection 1, Code 2013, is
4 amended to read as follows:

5 1. A domestic corporation or other entity that has been
6 converted pursuant to this ~~article~~ division is for all purposes
7 the same domestic corporation or other entity that existed
8 before the conversion.

9 Sec. 147. Section 491.38, Code 2013, is amended to read as
10 follows:

11 **491.38 Consolidation of interstate bridge companies.**

12 Any corporation heretofore or hereafter organized under
13 the laws of this state for the purpose of constructing ~~and/or~~
14 or operating, or constructing and operating, a bridge, one
15 extremity of which shall rest in an adjacent state, may merge
16 ~~and/or~~ or consolidate the stock, property, rights, franchises,
17 privileges, assets and liabilities of such corporation with
18 the stock, property, rights, franchises, privileges, assets
19 and liabilities of a corporation organized for a similar
20 purpose under the laws of such adjacent state, upon such terms
21 not in conflict with law as may be mutually agreed upon, and
22 thereafter such merged ~~and/or~~ or consolidated corporations
23 shall be one corporation with such name as may be agreed upon,
24 and shall have all of the property, rights, privileges, assets
25 and franchises, and be subject to all of the liabilities, of
26 the merging or consolidating corporations.

27 Sec. 148. Section 502.306, subsection 1, paragraph h, Code
28 2013, is amended to read as follows:

29 h. The financial condition of the issuer affects or
30 would affect the soundness of the securities, except that
31 applications for registration of securities by companies which
32 are in the development stage shall not be denied based solely
33 upon the financial condition of the company. For purposes of
34 this ~~rule~~ paragraph, a "*development stage company*" is defined as
35 a company which has been in existence for five years or less.

1 Sec. 149. Section 504.1101, subsection 2, paragraph a, Code
2 2013, is amended to read as follows:

3 a. The name of each corporation or unincorporated entity
4 planning to merge and the name of the surviving corporation or
5 unincorporated entity into which each plans to merge.

6 Sec. 150. Section 507.14, subsection 4, Code 2013, is
7 amended to read as follows:

8 4. Confidential documents, materials, information,
9 administrative or judicial orders, or other actions may be
10 disclosed to a regulatory official of any state, federal
11 agency, or foreign country provided that the recipients are
12 required, under ~~their~~ the law of the recipients' jurisdiction,
13 to maintain their confidentiality of the documents, materials,
14 information, orders, or other actions. Confidential records
15 may be disclosed to the national association of insurance
16 commissioners, the international association of insurance
17 supervisors, and the bank for international settlements
18 provided that the associations and bank certify by written
19 statement that the confidentiality of the records will be
20 maintained.

21 Sec. 151. Section 508.38, subsection 10, Code 2013, is
22 amended to read as follows:

23 10. a. For any contract which provides, within the same
24 contract by rider or supplemental contract provision, both
25 annuity benefits and life insurance benefits that are in excess
26 of the greater of cash surrender benefits or a return of the
27 gross considerations with interest, the minimum nonforfeiture
28 benefits shall be equal to the sum of the minimum nonforfeiture
29 benefits for the annuity portion and the minimum nonforfeiture
30 benefits, if any, for the life insurance portion computed as
31 if each portion were a separate contract. Notwithstanding
32 the provisions of subsections 4, 5, 6, 7, and 9, additional
33 benefits shall be disregarded in ascertaining the minimum
34 nonforfeiture amounts, paid-up annuity, cash surrender and
35 death benefits that may be required by this section, if the

1 additional benefits are payable ~~(a) in:~~

2 (1) In the event of total and permanent disability; ~~(b) as.~~

3 (2) As reversionary annuity or deferred reversionary
4 annuity benefits, ~~or (c) as.~~

5 (3) As other policy benefits additional to life insurance,
6 endowment, and annuity benefits, and considerations for all
7 such additional benefits, ~~shall be disregarded in ascertaining~~
8 ~~the minimum nonforfeiture amounts, paid-up annuity, cash~~
9 ~~surrender and death benefits that may be required by this~~
10 ~~section.~~

11 b. The inclusion of such additional benefits shall not
12 be required in any paid-up benefits, unless such additional
13 benefits separately would require minimum nonforfeiture
14 amounts, paid-up annuity, cash surrender and death benefits.

15 Sec. 152. Section 511.8, subsection 5, paragraph c, Code
16 2013, is amended to read as follows:

17 c. Are securities that at the date of acquisition are
18 rated three by the securities valuation office of the
19 national association of insurance commissioners or have the
20 equivalent rating by a rating organization that is approved
21 by the national association of insurance commissioners as an
22 acceptable rating organization and are listed or admitted to
23 trading on a securities exchange in the United States or are
24 publicly held and actively traded in the over-the-counter
25 market and market quotations are readily available. If
26 a security acquired under this paragraph is subsequently
27 downgraded from a three rating by the securities valuation
28 office of the national association of insurance commissioners
29 or from the equivalent rating by a national association of
30 insurance commissioners' acceptable rating organization, the
31 security no longer qualifies as a legal reserve investment.

32 Sec. 153. Section 512B.11, unnumbered paragraph 1, Code
33 2013, is amended to read as follows:

34 A domestic society organized on or after ~~the effective date~~
35 ~~of this Act~~ January 1, 1991, shall be formed as follows:

1 Sec. 154. Section 514D.2, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. *"Accident and sickness insurance"* means individual
4 accident and sickness insurance within the meaning of section
5 514A.1. *"Accident and sickness insurance"* also means individual
6 subscriber contracts for hospital service, or medical and
7 surgical service, or individual pharmaceutical or optometric
8 service issued under chapter 514, and for purposes of this
9 ~~division chapter~~, corporations issuing contracts under chapter
10 514 are deemed to be engaged in the business of insurance.

11 Sec. 155. Section 514F.6, subsection 2, Code 2013, is
12 amended to read as follows:

13 2. For purposes of this section, ~~"physician" means a~~
14 ~~licensed doctor of medicine and surgery or a licensed doctor of~~
15 ~~osteopathic medicine and surgery; "advanced:~~

16 a. "Advanced registered nurse practitioner" means a licensed
17 nurse who is also registered to practice in an advanced role,
18 ~~"physician."~~

19 b. "Clean claim" means the same as defined in section
20 507B.4A, subsection 2, paragraph "b".

21 c. "Credentialing" means a process through which a health
22 insurer makes a determination based on criteria established by
23 the health insurer concerning whether a physician, advanced
24 registered nurse practitioner, or physician assistant is
25 eligible to provide health care services to an insured and to
26 receive reimbursement for the health care services provided
27 under an agreement entered into between the physician, advanced
28 registered nurse practitioner, or physician assistant and the
29 health insurer.

30 d. "Credentialing period" means the time period between the
31 health insurer's receipt of a physician's, advanced registered
32 nurse practitioner's, or physician assistant's application for
33 credentialing and approval of that application by the health
34 insurer.

35 e. "Physician" means a licensed doctor of medicine and

1 surgery or a licensed doctor of osteopathic medicine and
 2 surgery.

3 f. "Physician assistant" means a person who is licensed to
 4 practice as a physician assistant under the supervision of one
 5 or more physicians; ~~and "credentialing period" means the time~~
 6 ~~period between the health insurer's receipt of a physician's,~~
 7 ~~advanced registered nurse practitioner's, or physician~~
 8 ~~assistant's application for credentialing and approval of that~~
 9 ~~application by the health insurer. "Credentialing" means a~~
 10 ~~process through which a health insurer makes a determination~~
 11 ~~based on criteria established by the health insurer concerning~~
 12 ~~whether a physician, advanced registered nurse practitioner, or~~
 13 ~~physician assistant is eligible to provide health care services~~
 14 ~~to an insured and to receive reimbursement for the health care~~
 15 ~~services provided under an agreement entered into between the~~
 16 ~~physician, advanced registered nurse practitioner, or physician~~
 17 ~~assistant and the health insurer. "Clean claim" means the same~~
 18 ~~as defined in section 507B.4A, subsection 2, paragraph "b".~~

19 Sec. 156. Section 515.19, Code 2013, is amended to read as
 20 follows:

21 **515.19 Advancement of funds.**

22 Any director, officer, or member of any such mutual company,
 23 or any other person, may advance to such company, any sum or
 24 sums of money necessary for the purpose of its business, or
 25 to enable it to comply with any of the requirements of the
 26 law, and such moneys and such interest thereon as may have
 27 been agreed upon, not exceeding the maximum statutory rate
 28 of interest, shall not be a liability or claim against the
 29 company or any of its assets, except as herein provided, and
 30 upon approval of the commissioner of insurance may be repaid,
 31 but only out of the surplus earnings of such company. No
 32 ~~commissioner~~ commission or promotion expenses shall be paid in
 33 connection with the advance of any such money to the company.
 34 The amount of such advance shall be reported in each annual
 35 statement.

1 Sec. 157. Section 523A.601, subsection 1, paragraph i, Code
2 2013, is amended to read as follows:

3 *i.* Include an explanation of regulatory oversight by
4 the insurance division in twelve point boldface type, in
5 substantially the following language:

6 THIS AGREEMENT IS SUBJECT TO RULES ADMINISTERED BY THE IOWA
7 INSURANCE DIVISION. YOU MAY CALL THE INSURANCE DIVISION
8 AT ~~{515}281-5705~~ (TELEPHONE NUMBER). WRITTEN INQUIRIES
9 OR COMPLAINTS SHOULD BE MAILED TO THE IOWA SECURITIES AND
10 REGULATED INDUSTRIES BUREAU, ~~330 MAPLE STREET~~ (STREET ADDRESS),
11 ~~DES MOINES~~ (CITY), IOWA ~~50319~~ (ZIP CODE).

12 Sec. 158. Section 523A.602, subsection 1, paragraph b,
13 subparagraph (3), Code 2013, is amended to read as follows:

14 (3) State in language that is substantially similar to the
15 following language:

16 Sec. 159. Section 524.521, subsection 3, unnumbered
17 paragraph 1, Code 2013, is amended to read as follows:

18 The articles of incorporation of a stock corporation may
19 authorize one or more classes of shares that have any of the
20 following qualities:

21 Sec. 160. Section 524.1008, subsection 1, Code 2013, is
22 amended to read as follows:

23 1. a. A state bank authorized to act in a fiduciary
24 capacity may enter into an agreement for the succession of
25 fiduciary accounts with a trust company subsidiary authorized
26 by the superintendent pursuant to section 524.802, subsection
27 12, paragraph "b", or one or more other state or national banks
28 that are located in this state and authorized to act in a
29 fiduciary capacity. In the agreement, the succeeding bank or
30 trust company subsidiary may agree to succeed the relinquishing
31 bank as a fiduciary with respect to those fiduciary accounts
32 which are designated in the agreement. The designation
33 of accounts may be by general class or description and may
34 include fiduciary accounts subject and not subject to court
35 administration and fiduciary accounts to arise in the future

1 under wills, trusts, court orders, or other documents under
2 which the relinquishing bank is named as a fiduciary or is
3 named to become a fiduciary upon the death of a testator or
4 settlor or upon the happening of any other subsequent event.
5 The agreement shall provide ~~either (a) that~~ that one of the
6 following applies:

7 (1) That the succeeding bank or trust company subsidiary
8 maintain one or more employees or agents at the office of
9 the relinquishing bank in order to facilitate the continued
10 servicing of the designated fiduciary accounts, ~~or (b) that.~~

11 (2) That the relinquishing bank act as an agent of the
12 succeeding bank or trust company subsidiary with respect to the
13 fiduciary accounts that are subject to the agreement, and the
14 relinquishing bank as an agent may perform services other than
15 fiduciary services with respect to those accounts.

16 b. If the relinquishing bank is an agent under the
17 alternative (b) above specified in paragraph "a", subparagraph
18 (2), then the relinquishing bank shall disclose to its
19 customers that it is acting as an agent of the succeeding bank
20 or trust company subsidiary. The relinquishing bank shall mail
21 a notice of the succession to all persons having an interest
22 in a fiduciary account at their last known address, and shall
23 publish a notice of the succession to fiduciary accounts in a
24 newspaper published in the county of the principal place of
25 business of the relinquishing bank. After the publication,
26 the succeeding bank or trust company subsidiary shall,
27 without further notice, approval or authorization succeed
28 the relinquishing bank as to the fiduciary accounts and the
29 fiduciary powers, rights, privileges, duties, and liabilities
30 for the fiduciary accounts. On the effective date of the
31 succession to fiduciary accounts, the relinquishing bank is
32 released from fiduciary duties under the fiduciary accounts and
33 shall discontinue its exercise of trust powers to the fiduciary
34 accounts. This subsection does not absolve a relinquishing
35 bank from liabilities arising out of a breach of fiduciary duty

1 occurring prior to the succession of fiduciary accounts.

2 Sec. 161. Section 524.1413, subsection 2, Code 2013, is
3 amended to read as follows:

4 2. Within ninety days after the application has been
5 accepted for processing, the superintendent shall approve or
6 disapprove the application on the basis of the investigation.
7 As a condition of receiving the decision of the superintendent
8 with respect to the application, the national bank, or federal
9 savings association, ~~or state savings and loan association~~
10 shall reimburse the superintendent for all expenses incurred
11 in connection with the application. The superintendent shall
12 give the national bank, or federal savings association, ~~or~~
13 ~~state savings and loan association~~ written notice of the
14 decision and, in the event of disapproval, a statement of the
15 reasons for the decision. If the superintendent approves the
16 application, the superintendent shall deliver the articles of
17 conversion, with the superintendent's approval indicated on
18 the articles of conversion, to the secretary of state. The
19 decision of the superintendent shall be subject to judicial
20 review pursuant to chapter 17A. Notwithstanding the terms of
21 the Iowa administrative procedure Act, chapter 17A, a petition
22 for judicial review must be filed within thirty days after the
23 superintendent notifies the national bank, or federal savings
24 association, ~~or state savings and loan association~~ of the
25 superintendent's decision.

26 Sec. 162. Section 533.107, subsection 1, Code 2013, is
27 amended to read as follows:

28 1. A credit union review board is created. The review board
29 shall consist of seven members, five of whom shall have been
30 members in good standing for at least the previous five years
31 of either an Iowa state chartered credit union, or a credit
32 union chartered under the Federal Credit Union Act, 12 U.S.C.
33 § 1751 et seq., and having its principal place of business
34 in Iowa. Two of the members may be public members; however,
35 at no time shall more than five of the members be directors

1 or employees of a credit union. The members shall serve for
2 three-year staggered terms beginning and ending as provided by
3 section 69.19.

4 Sec. 163. Section 533.213, subsection 1, paragraph a, Code
5 2013, is amended to read as follows:

6 a. Credit unions organized under this chapter, the Federal
7 Credit Union Act, 12 U.S.C. § 1751 et seq., or any other credit
8 union act and credit union organizations may be members.

9 Sec. 164. Section 535B.10, subsection 6, paragraph h, Code
10 2013, is amended to read as follows:

11 h. The administrator may furnish information to the title
12 guaranty division of the Iowa finance authority relating to
13 supervision of closing agent licensees whose activities relate
14 to the issuance of title guaranty certificates issued by the
15 title guaranty division ~~of the Iowa finance authority to the~~
16 ~~title guaranty division~~. The title guaranty division may
17 use this information to satisfy its reinsurance requirements
18 and may provide the information to its reinsurer to the
19 extent necessary to satisfy reinsurer requirements provided
20 the reinsurer agrees to maintain the confidentiality of the
21 information. The title guaranty division shall maintain the
22 confidentiality of the information provided pursuant to this
23 paragraph in all other respects.

24 Sec. 165. Section 543B.7, subsection 5, paragraph c, Code
25 2013, is amended to read as follows:

26 c. If an investigation pursuant to this chapter reveals
27 that an auctioneer has violated this subsection or has assumed
28 to act in the capacity of a real estate broker or real estate
29 salesperson, the real estate commission shall issue a cease and
30 desist order, and shall impose a civil penalty of one thousand
31 dollars for the first offense, and impose a civil penalty of
32 up to the greater of ten thousand dollars or ten percent of the
33 real estate sales price for each subsequent violation.

34 Sec. 166. Section 543B.43, Code 2013, is amended to read as
35 follows:

1 **543B.43 Penalties.**

2 Any person found guilty of violating a provision of sections
3 543B.1 to ~~543B.42~~ 543B.41 in a first offense shall be guilty
4 of a simple misdemeanor.

5 Sec. 167. Section 543C.2, Code 2013, is amended to read as
6 follows:

7 **543C.2 Provisions governing sale or lease of subdivided**
8 **lands.**

9 1. No subdivider shall sell or lease subdivided land, or
10 offer such land for sale or lease, or advertise such land
11 for sale or lease to the public within this state unless the
12 subdivider has filed with the commission an application which
13 shall include an offering statement. No subdivider shall
14 engage in business in this state until the application and
15 the offering statement have been accepted and the subdivider
16 has been registered as a subdivider with the commission. ~~The~~
17 In addition to the offering statement, the application shall
18 contain the following:

19 ~~1.~~ a. The name of the owner and of the subdivider.

20 ~~2.~~ b. The address of the principal office of the owner and
21 of the subdivider, wherever situated, and the addresses of the
22 principal office and all branch offices of the owner and of the
23 subdivider within this state.

24 ~~3.~~ c. The name of the person, firm, partnership, company,
25 corporation, or association holding legal or equitable title
26 to the land for sale or lease for the purpose of offering such
27 land or part thereof to the general public.

28 ~~4.~~ d. A statement as to whether the owner or the
29 subdivider, or if such owner or subdivider be other than an
30 individual, the name of any partner, principal, officer,
31 director, or branch manager thereof or any owner of more than a
32 five percent interest in the business, ~~who~~ has been convicted
33 of any criminal offense in connection with any transaction
34 involving the sale or lease, or offer for sale or lease, of
35 subdivided land, or ~~who~~ has been enjoined or restrained by

1 order of any court from selling or leasing, or offering for
2 sale or lease, any subdivided land in any state or county,
3 or ~~who~~ has been enjoined or restrained by any court from
4 continuing any practices in connection therewith.

5 5- e. The complete description of the land offered for
6 subdivision by lots, plots, blocks, or sales, with or without
7 streets, together with plats certified to by a duly licensed
8 professional land surveyor accompanied by a certificate
9 attached thereto showing the date of the completion of the
10 survey and of the making of the plat and the name of the
11 subdivision for the purpose of identification of the subdivided
12 land or any part thereof.

13 6- f. Copies of plats of all of the land being filed by
14 the subdivider which plats must have already been recorded by
15 the proper recording office in the state in which the land is
16 located.

17 7- g. An opinion of an attorney admitted to practice
18 law in this state, a policy of title insurance issued by a
19 title insurer licensed to do business in the state where the
20 subdivided land is located, or an opinion of an attorney
21 admitted or licensed to practice law in the state wherein
22 the lands are situated, reciting in detail all of the liens,
23 encumbrances, and clouds upon the title to such land, and any
24 other defects of title, which may render the title to such land
25 unmarketable.

26 8- h. The provisions, covenants, terms, and conditions
27 upon which it is the intention of the owner and the subdivider
28 to sell or lease such subdivided land, accompanied by proposed
29 forms of contracts contemplated for execution and delivery upon
30 the consummation of sales or leases.

31 9- i. If the subdivided land sought to be filed comes
32 within the purview of the federal Interstate Land Sales Full
33 Disclosure Act, codified at 15 U.S.C. § 1701 et seq., the
34 subdivider must furnish a copy of the accepted report filed
35 with the department of housing and urban development. If the

1 subdivision comes under the regulation of the real estate laws
 2 of the state where the land is located and that state requires
 3 a state offering statement or public report, the subdivider
 4 must also include a copy of said state report.

5 ~~10.~~ j. The subdivider, if a corporation, must register to
 6 do business in the state of Iowa as a foreign corporation with
 7 the secretary of state and furnish a copy of the certificate
 8 of authority to do business in the state of Iowa. If not a
 9 corporation, the subdivider must comply with the provisions
 10 of chapter 547, by filing a proper trade name with the Polk
 11 county recorder. The provisions of this subsection shall also
 12 apply to any person, partnership, firm, company, corporation,
 13 or association, other than the subdivider, which is engaged by
 14 or through the subdivider for the purpose of advertising or
 15 selling the land involved in the filing.

16 ~~11.~~ k. Such other information as the commission may
 17 require, which shall be filed pursuant to the provisions of
 18 this chapter.

19 ~~12.~~ 2. The offering statement must contain all of the
 20 following:

21 a. The names, addresses, and business background of
 22 the subdivider as required in ~~subsections~~ subsection 1,
 23 paragraphs "a" to 4 "d". If such subdivider is a partnership or
 24 corporation, the names, addresses, and business background of
 25 each of the partners, officers, and principal stockholders, the
 26 nature of their fiduciary relationship and their past, present,
 27 or anticipated financial relationship to the subdivider.

28 b. A complete description of the land and copies of the
 29 plat in which the land is located as required in ~~subsections 5~~
 30 subsection 1, paragraphs "e" and 6 "f" and a certified financial
 31 statement by a certified public accountant of the assets and
 32 liabilities of the subdivider as of a date not more than six
 33 months prior to the date of the filing, in such detail as the
 34 board may require.

35 c. Information concerning public improvements, including

1 without limitation, streets, storm sewers, street lighting,
 2 water supply, and sewage treatment and disposal facilities in
 3 existence or planned on the subdivision, and the estimated
 4 cost, date of completion, and responsibility for construction
 5 of improvements to be made which are referred to in connection
 6 with the sale or lease, or offering for sale or lease, of the
 7 subdivision or any unit or lot thereon.

8 *d.* Each of the terms and conditions under which each
 9 such unit or lot is offered for sale and such opinion or
 10 certificates as required in ~~subsections 7~~ subsection 1,
 11 paragraphs "g" and 8 "h".

12 *e.* A statement as to the exact terms of any guaranties or
 13 promises of refund or exchange which are to be used by the
 14 subdivider. The guaranty or promise of refund or exchange,
 15 if any, must be contained in the body of any contracts used
 16 by the subdivider and cannot be in any separate document.
 17 Said guaranty or promise of refund or exchange must appear in
 18 boldface type in the contract.

19 *f.* If the refund privilege, pursuant to paragraph "e" of
 20 ~~this subsection,~~ is predicated in any way upon the requiring
 21 by the subdivider of an inspection by the purchaser prior
 22 to requesting a refund or exchange pursuant to the guaranty
 23 provisions, the offering statement and the sale contract itself
 24 must set out in detail all pertinent information in regard
 25 to the inspection trip and in regard to claiming a refund or
 26 exchange pursuant to the guaranty after the inspection trip.

27 ~~*g.* Such additional information as the commission may require~~
 28 ~~as being necessary or appropriate in the public interest or for~~
 29 ~~the protection of purchasers or lessees.~~

30 ~~*h.*~~ *g.* A vicinity sketch of sufficient scale to show the
 31 entire tract of land, surrounding property ownership, and road
 32 access.

33 *h.* Such additional information as the commission may require
 34 as being necessary or appropriate in the public interest or for
 35 the protection of purchasers or lessees.

1 Sec. 168. Section 577.1, subsection 2, Code 2013, is amended
2 to read as follows:

3 2. a. The assent of the owner shall be implied, for
4 purposes of determining whether a lien on inanimate personal
5 property exists, if all of the following are established:

6 ~~a.~~ (1) The inanimate personal property is a multi-engine
7 aircraft, eligible for registration under section 501 of the
8 federal Aviation Act of 1958, 49 U.S.C. § ~~1401~~ 44102.

9 ~~b.~~ (2) The aircraft is either owned, leased, operated, or
10 on order by an air carrier certified under section 604(b) of
11 the federal Aviation Act of 1958, 49 U.S.C. § ~~1424(b)~~ 44705, or
12 by any other person that rents or leases commercial airliners
13 to certified air carriers in the regular course of business.

14 ~~c.~~ (3) The material furnished is new electronic navigation
15 or communications aviation equipment.

16 ~~d.~~ (4) The equipment is delivered for installation on the
17 aircraft at the request of a lessee, operator, or other person,
18 or an agent of the lessee, operator, or other person, who has
19 an interest in or exercises control over the aircraft.

20 b. The aircraft and equipment shall be deemed, for purposes
21 of determining priority over perfected security interests, to
22 be in the possession of the person who furnished the equipment,
23 if the person either manufactures or sells the equipment in
24 the regular course of business and allows the equipment to be
25 made available for installation on the aircraft by releasing
26 it for delivery. Possession of the aircraft and equipment
27 shall be deemed to continue up to, and including, ninety days
28 after the equipment is fully installed on the aircraft, except
29 that if a notice of lien is filed with the federal aviation
30 administration, and no subsequent release of the lien is on
31 file, it shall be deemed to continue indefinitely. A notice
32 of lien under this section is not required to be verified
33 or notarized, but shall be signed by the lienholder, the
34 lienholder's designated agent, or the lienholder's attorney
35 and must identify the aircraft which is the subject of the

1 lien. Notwithstanding subsection 1, liens obtained under this
2 subsection attach and take priority over all other prior liens
3 of record without the giving of prior notice or the obtaining
4 of consent and are enforceable against all persons, including
5 a bona fide purchaser.

6 Sec. 169. Section 602.8103, subsection 5, Code 2013, is
7 amended to read as follows:

8 5. Invest money which is paid to the clerk to be paid to any
9 other person in a any of the following:

10 a. A savings account of a supervised financial organization
11 as defined in section 537.1301, subsection 44, except a credit
12 union operating pursuant to chapter 533. The provisions of
13 chapter 12C relating to the deposit and investment of public
14 funds apply to the deposit and investment of the money except
15 that a supervised financial organization other than a credit
16 union may be designated as a depository and the money shall
17 be available upon demand. The interest earnings shall be
18 paid into the general fund of the state, except as otherwise
19 provided by law.

20 b. ~~In addition, the money may be invested in an~~ An
21 open-end management investment company organized in trust
22 form registered with the federal securities and exchange
23 commission under the federal Investment Company Act of 1940, 15
24 U.S.C. § ~~80(a)~~ 80a, and operated in accordance with 17 C.F.R.
25 § 270.2a-7, the portfolio of which is limited to obligations of
26 the United States of America or agencies or instrumentalities
27 of the United States of America and to repurchase agreements
28 fully collateralized by obligations of the United States of
29 America or an agency or instrumentality of the United States
30 of America if the investment company takes delivery of the
31 collateral either directly or through an authorized custodian.

32 Sec. 170. Section 602.8105, subsection 2, paragraph a, Code
33 2013, is amended by striking the paragraph.

34 Sec. 171. Section 602.8107, subsection 1, Code 2013, is
35 amended to read as follows:

1 1. As used in this section, "*court debt*" means all fines,
2 penalties, court costs, fees, forfeited bail, surcharges under
3 chapter 911, victim restitution, court-appointed attorney
4 fees or ~~for~~ expenses of a public defender ordered pursuant to
5 section 815.9, or fees charged pursuant to section 356.7 or
6 904.108.

7 Sec. 172. Section 602.11101, Code 2013, is amended to read
8 as follows:

9 **602.11101 Implementation by court component.**

10 1. The state shall assume responsibility for components of
11 the court system according to the following schedule:

12 ~~1-~~ a. On October 1, 1983, the state shall assume the
13 responsibility for and the costs of jury fees and mileage as
14 provided in section 607A.8 and on July 1, 1984, the state shall
15 assume the responsibility for and the costs of prosecution
16 witness fees and mileage and other witness fees and mileage
17 assessed against the prosecution in criminal actions prosecuted
18 under state law as provided in sections 622.69 and 622.72.

19 ~~2-~~ b. Court reporters shall become court employees on July
20 1, 1984. The state shall assume the responsibility for and the
21 costs of court reporters on July 1, 1984.

22 ~~3-~~ c. Bailiffs who perform services for the court, other
23 than law enforcement services, shall become court employees on
24 January 1, 1985, and shall be called court attendants. The
25 state shall assume the responsibility for and the costs of
26 court attendants on January 1, 1985. Section 602.6601 takes
27 effect on January 1, 1985.

28 ~~4-~~ d. (1) Juvenile probation officers shall become
29 court employees on July 1, 1985. The state shall assume the
30 responsibility for and the costs of juvenile probation officers
31 on July 1, 1985.

32 (2) Until July 1, 1985, the county shall remain responsible
33 for the compensation of juvenile court referees. Effective
34 July 1, 1985, the state shall assume the responsibility for the
35 compensation of juvenile court referees.

1 5. e. (1) Clerks of the district court shall become
2 court employees on July 1, 1986. The state shall assume
3 the responsibility for and the costs of the offices of the
4 clerks of the district court on July 1, 1986. Persons who
5 are holding office as clerks of the district court on July
6 1, 1986, are entitled to continue to serve in that capacity
7 until the expiration of their respective terms of office. The
8 district judges of a judicial election district shall give
9 first and primary consideration for appointment of a clerk of
10 the district court to serve the court beginning in 1989 to a
11 clerk serving on and after July 1, 1986, until the expiration
12 of the clerk's elected term of office. A vacancy in the office
13 of clerk of the district court occurring on or after July 1,
14 1986, shall be filled as provided in section 602.1215.

15 (2) Until July 1, 1986, the county shall remain responsible
16 for the compensation of and operating costs for court
17 employees not presently designated for state financing and
18 for miscellaneous costs of the judicial branch related to
19 furnishings, supplies, and equipment purchased, leased, or
20 maintained for the use of judicial officers, referees, and
21 their staff. Effective July 1, 1986, the state shall assume
22 the responsibility for the compensation of and operating costs
23 for court employees presently designated for state financing
24 and for miscellaneous costs of the judicial branch related to
25 furnishings, supplies, and equipment purchased, leased, or
26 maintained for the use of judicial officers, referees, and
27 their staff. However, the county shall at all times remain
28 responsible for the provision of suitable courtrooms, offices,
29 and other physical facilities pursuant to section 602.1303,
30 subsection 1, including paint, wall covering, and fixtures in
31 the facilities.

32 (3) Until July 1, 1986, the county shall remain responsible
33 for the compensation of and operating costs for probate
34 referees and judicial hospitalization referees and their
35 staffs. Effective July 1, 1986, the state shall assume the

1 responsibility for the compensation of and operating costs for
2 probate referees and judicial hospitalization referees and
3 their staffs.

4 (4) Until July 1, 1986, the county shall remain responsible
5 for necessary fees and costs related to certain court
6 reporters. Effective July 1, 1986, the state shall assume the
7 responsibility for necessary fees and costs related to certain
8 court reporters.

9 ~~6.~~ f. The county shall remain responsible for the
10 court-ordered costs of conciliation procedures under section
11 598.16.

12 2. a. For the period beginning July 1, 1983, and ending
13 June 30, 1987, the provisions of division I (articles 1 through
14 10) take effect only to the extent that the provisions do not
15 conflict with the scheduled state assumption of responsibility
16 for the components of the court system, and the amendments and
17 repeals of divisions II and III take effect only to the extent
18 necessary to implement that scheduled state assumption of
19 responsibility. If an amendment or repeal to a Code section in
20 division II or III is not effective during the period beginning
21 July 1, 1983, and ending June 30, 1987, the Code section
22 remains in effect for that period. On July 1, 1987, ~~this Act~~
23 1983 Iowa Acts, chapter 186, takes effect in its entirety.

24 b. However, if the state does not fully assume the costs
25 for a fiscal year of a component of the court system in
26 accordance with the scheduled assumption of responsibility,
27 the state shall not assume responsibility for that component,
28 and the schedule of state assumption of responsibility shall
29 be delayed. The delayed schedule of state assumption of
30 responsibility shall again be followed for the fiscal year in
31 which the state fully assumes the costs of that component.
32 For the fiscal year for which the state's assumption of
33 the responsibility for a court component is delayed, the
34 clerk of the district court shall not reduce the percentage
35 remittance to the counties from the court revenue distribution

1 account under section 602.8108. The clerk shall resume the
 2 delayed schedule of reductions in county remittances for the
 3 fiscal year in which the state fully assumes the costs of
 4 that court component. If the schedules of state assumption
 5 of responsibility and reductions in county remittances are
 6 delayed, the transition period beginning July 1, 1983, and
 7 ending June 30, 1987, is correspondingly lengthened, and ~~this~~
 8 Act 1983 Iowa Acts, chapter 186, takes effect in its entirety
 9 only at the end of the lengthened transition period.

10 3. The supreme court shall prescribe temporary rules, prior
 11 to the dates on which the state assumes responsibility for the
 12 components of the court system, as necessary to implement the
 13 administrative and supervisory provisions of ~~this Act 1983~~
 14 Iowa Acts, chapter 186, and as necessary to determine the
 15 applicability of specific provisions of ~~this Act 1983 Iowa~~
 16 Acts, chapter 186, in accordance with the scheduled state
 17 assumption of responsibility for the components of the court
 18 system.

19 Sec. 173. Section 622.34, Code 2013, is amended to read as
 20 follows:

21 **622.34 Contract not denied in the pleadings.**

22 The ~~above regulations~~ provisions of sections 622.32 and
 23 622.33, relating merely to the proof of contracts, shall not
 24 prevent the enforcement of those not denied in the pleadings,
 25 except in cases when the contract is sought to be enforced, or
 26 damages recovered for the breach thereof, against some person
 27 other than the person who made it.

28 Sec. 174. Section 622.79, Code 2013, is amended to read as
 29 follows:

30 **622.79 When party fails to obey subpoena.**

31 In addition to the ~~above~~ remedies provided in sections
 32 622.76 through 622.78, if a party to an action in the party's
 33 own right, on being duly subpoenaed, fails to appear and give
 34 testimony, the other party may, at the other party's election,
 35 have a continuance of the cause at the cost of the delinquent.

1 Sec. 175. Section 631.1, subsection 1, Code 2013, is amended
2 to read as follows:

3 1. The following actions or claims are small claims and
4 shall be commenced, heard and determined as provided in this
5 chapter:

6 a. A civil action for a money judgment where the amount
7 in controversy is four thousand dollars or less for actions
8 commenced before July 1, 2002, and exclusive of interest and
9 costs.

10 b. A civil action for a money judgment where the amount
11 in controversy is five thousand dollars or less for actions
12 commenced on or after July 1, 2002, exclusive of interest and
13 costs.

14 Sec. 176. Section 633.128, Code 2013, is amended to read as
15 follows:

16 **633.128 Court accountings.**

17 1. Unless ordered by a court of competent jurisdiction,
18 the bank or trust company operating such common trust funds
19 is not required to render a court accounting with regard to
20 such funds; but it may, by application to the court, secure
21 approval of such an accounting on such conditions as the court
22 may establish.

23 2. When an accounting of a common trust fund is presented to
24 a court for approval, the court shall assign a time and place
25 for hearing, and order notice thereof by all of the following:

26 a. ~~(1)~~ Publication once each week for three consecutive
27 weeks in a newspaper of general circulation, published in the
28 county in which the bank or trust company operating the common
29 trust fund is located, the first publication to be not less
30 than twenty days prior to the date of hearing, ~~and (2) sending.~~

31 b. Sending by ordinary mail not less than fourteen days
32 prior to the date of hearing, a copy of the notice prescribed
33 to all beneficiaries of the trust participating in the common
34 trust fund whose names are known to the bank or trust company
35 from the records kept by it in the regular course of business

1 in the administration of said trusts, directed to them at the
2 addresses shown by such records, ~~and (3) such.~~

3 c. Such further notice, if any, as the court may order.

4 Sec. 177. Section 633.376, subsection 2, Code 2013, is
5 amended to read as follows:

6 2. The estate's personal representative shall mail pursuant
7 to section 633.40, subsection 5, to the legal guardian of each
8 child qualified under subsection 1 and to each child or the
9 guardian ad litem for such child if necessary, who has no legal
10 guardian, a written notice regarding the right to request an
11 allowance. The notice shall inform the child and the child's
12 guardian or guardian ad litem, if applicable, of the right to
13 submit an application to the court, within four months after
14 service of the notice, for support for a period of twelve
15 months following the decedent's death. If an application for
16 support has not been filed within four months after service of
17 the notice by or on behalf of the child qualifying for support
18 under subsection 1, the child shall be deemed to have waived
19 the right to support under this section. A child who qualifies
20 for support under this section or the child's guardian or
21 guardian ad litem may waive the child's right to such support
22 by filing an affidavit acknowledging receipt of notice and
23 irrevocably waiving the child's right to support under this
24 section.

25 Sec. 178. Section 633.704, subsection 2, Code 2013, is
26 amended to read as follows:

27 2. If a court of another state in which a guardianship or
28 protective proceeding is pending requests assistance ~~pursuant~~
29 ~~to~~ described in subsection 1, a court of this state has
30 jurisdiction for the limited purpose of granting the request or
31 making reasonable efforts to comply with the request.

32 Sec. 179. Section 633A.3110, Code 2013, is amended to read
33 as follows:

34 **633A.3110 Notice to creditors, heirs, and surviving spouse.**

35 1. As used in this section, "heir" means only such person

1 who would, in an intestate estate, be entitled to a share under
2 section 633.219.

3 2. The trustee may give notice as described herein to
4 creditors, heirs, and the surviving spouse of the settlor for
5 the purpose of establishing their rights to contest the trust
6 and to file claims against the trust assets.

7 a. No later than the end of the one-year period beginning
8 with the settlor's date of death, the trustee may publish a
9 notice once each week for two consecutive weeks in a daily or
10 weekly newspaper of general circulation published in the county
11 in which the settlor was a resident at the time of death. If
12 the settlor was not a resident of Iowa, but the principal place
13 of administration is in Iowa, the trustee shall publish notice
14 in the county that is the principal place of administration
15 pursuant to section 633A.6102.

16 b. If notice is published pursuant to paragraph "a", the
17 trustee shall also give notice by ordinary mail within one year
18 of the settlor's death to the surviving spouse and the heirs of
19 the decedent whose identities are reasonably ascertainable, at
20 such person's last known address.

21 c. If notice is published pursuant to paragraph "a", the
22 trustee shall also give notice to creditors of the settlor who
23 are known or reasonably ascertainable within the period for
24 filing claims specified in the published notice and who the
25 trustee believes own or possess a claim, which will not or may
26 not be paid or otherwise satisfied during the administration of
27 the trust, by ordinary mail to each person at the person's last
28 known address.

29 d. The notices described in this subsection shall, if given,
30 include notification of the settlor's death, and the fact that
31 any action to contest the validity of the trust must be brought
32 within the later to occur of four months from the date of the
33 second publication of the notice made pursuant to paragraph "a"
34 or thirty days from the date of mailing of the notice pursuant
35 to paragraph "b", and that any claim against the trust assets

1 will be forever barred unless proof of a creditor's claim
 2 is mailed to the trustee by certified mail, return receipt
 3 requested, within the later to occur of four months from the
 4 date of second publication of notice made pursuant to paragraph
 5 "a" or thirty days from the date of mailing of the notice
 6 pursuant to paragraph "b", if required. A person who is not
 7 entitled to receive a mailed notice or who does not make a
 8 claim within the appropriate period is forever barred from
 9 asserting any claim against the trust or the trust assets.

10 3. If notice is published pursuant to subsection 2,
 11 paragraph "a", claims of creditors that are discovered or which
 12 become reasonably ascertainable after the end of the notice
 13 period are barred.

14 4. If notice is not published and given as provided in
 15 this section, the right to challenge the trust and file claims
 16 against the trust assets are limited as provided in sections
 17 633A.3108 and 633A.3109.

18 5. The notice described in subsection 2 shall be
 19 substantially in the following form:

20 To all persons regarding,
 21 deceased, who died on or about
 22 ~~{year}~~(date). You are hereby notified
 23 that is the trustee of the
 24 Trust.

25 Any action to contest the validity of the trust must be
 26 brought in the District Court of County, Iowa, within
 27 the later to occur of four months from the date of second
 28 publication of this notice, or thirty days from the date of
 29 mailing this notice to all heirs of the decedent settlor
 30 and the spouse of the decedent settlor whose identities are
 31 reasonably ascertainable. Any suit not filed within this
 32 period shall be forever barred.

33 Notice is further given that any person or entity possessing
 34 a claim against the trust must mail proof of the claim to the
 35 trustee at the address listed below via certified mail, return

1 receipt requested, by the later to occur of four months from
2 the second publication of this notice or thirty days from the
3 date of mailing this notice if required, or the claim shall be
4 forever barred, unless paid or otherwise satisfied.

5 Dated this day of
6(month), ~~(year)~~(year)
7

8 Trust

9

10 Trustee

11 Address:

12

13 Date of second publication

14 day of(month), ~~(year)~~
15 (year)

16 6. The proof of claim must be in writing stating the party's
17 name and address and describing the nature and amount of the
18 claim, if ascertainable, and accompanied by an affidavit of the
19 party or a representative of the party verifying the amount
20 that is due, or when the amount will become due, that no
21 payments have been made on the claim that are not credited, and
22 that no offsets to the claim exist.

23 7. At any time after receipt by the trustee of a proof of
24 claim, the trustee may give the party submitting the claim a
25 written notice of disallowance of the claim. The notice shall
26 be given by certified mail, return receipt requested, addressed
27 to the party at the address stated in the claim, and to the
28 attorney of record of the party submitting the claim. Such
29 notice of disallowance shall advise the party submitting the
30 claim that the claim has been disallowed and will be forever
31 barred unless suit is filed against the trustee to enforce
32 the claim within thirty days of the date of the mailing of
33 the notice of disallowance. If suit is filed, the provisions
34 in chapter 633 relating to actions to enforce a claim shall
35 apply with the trust and trustee substituted for the estate and

1 personal representative.

2 8. The trustee and creditor may agree to extend the
3 limitations period for filing an action to enforce the claim.
4 If the creditor fails to properly file its claim within the
5 established time period or bring an action to enforce its claim
6 within the established time period, the creditor's claim shall
7 be forever barred.

8 9. The trustee shall give notice to the beneficiaries of the
9 trust as required by section 633A.4213.

10 10. The trustee shall give notice to the surviving spouse
11 of the right to elect to take an elective share of the trust
12 as required by section 633.237 and the right to a ~~spousal~~ an
13 allowance for the surviving spouse and any dependents of the
14 settlor residing with the surviving spouse as required by
15 section 633A.3114.

16 11. The trustee shall give notice to eligible children
17 not residing with the surviving spouse of their right to an
18 allowance as required by section 633A.3115.

19 Sec. 180. Section 633A.3115, subsections 1 and 3, Code 2013,
20 are amended to read as follows:

21 1. If the trustee is required to give notice under section
22 633A.3114, the trustee shall also mail, pursuant to section
23 633.40, subsection 5, to the legal guardian of each child
24 qualified under subsection 2 and to each such child or the
25 guardian ad litem for such child if necessary, who has no legal
26 guardian, a written notice regarding the right to request an
27 allowance. The notice shall inform the child and the child's
28 guardian or guardian ad litem, if applicable, of the right to
29 submit an application to the trustee within four months after
30 service of the notice, for a support allowance for a period of
31 twelve months following the decedent's death.

32 3. If an application for a support allowance has not
33 been filed within four months after service of the notice
34 by or on behalf of the child qualifying for an allowance
35 under subsection 2, the child shall be deemed to have waived

1 the right to an allowance under this section. A child who
 2 qualifies for an allowance under this section or the guardian
 3 or guardian ad litem for the child, if any, may waive the
 4 child's right to such an allowance by submitting an affidavit
 5 to the trustee acknowledging receipt of notice and irrevocably
 6 waiving the child's right to an allowance under this section.

7 Sec. 181. Section 654.14, Code 2013, is amended to read as
 8 follows:

9 **654.14 Preference in receivership — application of rents.**

10 1. In an action to foreclose a real estate mortgage, if
 11 a receiver is appointed to take charge of the real estate,
 12 preference shall be given to the owner or person in actual
 13 possession, subject to approval of the court, in leasing
 14 the mortgaged premises. If the real estate is agricultural
 15 land used for farming, as defined in section 9H.1, the
 16 owner or person in actual possession shall be appointed as
 17 receiver without bond, provided that all parties agree to the
 18 appointment. The rents, profits, avails, and income derived
 19 from the real estate shall be applied as follows:

20 ~~1.~~ a. To the cost of receivership.

21 ~~2.~~ b. To the payment of taxes due or becoming due during
 22 said receivership.

23 ~~3.~~ c. To pay the insurance on buildings on the premises
 24 ~~and/or~~ or such other benefits to the real estate, or both, as
 25 may be ordered by the court.

26 ~~4.~~ d. The balance shall be paid and distributed as
 27 determined by the court.

28 2. If the owner or person in actual possession of
 29 agricultural land as defined in section 9H.1 is not afforded
 30 a right of first refusal in leasing the mortgaged premises by
 31 the receiver, the owner or person in actual possession has a
 32 cause of action against the receiver to recover either actual
 33 damages or a one thousand dollar penalty, and costs, including
 34 reasonable attorney's fees. The receiver shall deliver notice
 35 to the owner or person in actual possession or the attorney of

1 the owner or person in actual possession, of an offer made to
 2 the receiver, the terms of the offer, and the name and address
 3 of the person making the offer. The delivery shall be made
 4 personally with receipt returned or by certified or registered
 5 mail, with the proper postage on the envelope, addressed to
 6 the owner or person in actual possession or the attorney of
 7 the owner or person in actual possession. An offer shall be
 8 deemed to have been refused if the owner or person in actual
 9 possession or the attorney of the owner or person in actual
 10 possession does not respond within ten days following the date
 11 that the notice is mailed.

12 Sec. 182. Section 671.2, Code 2013, is amended to read as
 13 follows:

14 **671.2 Exception.**

15 1. The limited liability provided in section 671.1 shall not
 16 apply where:

17 ~~1- a.~~ A guest has offered to deliver ~~such~~ valuables to ~~said~~
 18 ~~the~~ keeper or owner for custody in such metal safe or vault,
 19 and

20 ~~2- b.~~ ~~Said~~ The keeper or owner has omitted or refused to
 21 receive and deposit the ~~same~~ valuables in ~~such~~ the safe or
 22 vault and give such guest a receipt ~~therefor~~ for the valuables.

23 2. ~~But such~~ The keeper or owner shall not be required to
 24 receive from any one guest for deposit in ~~such~~ the keeper's or
 25 owner's safe or vault, property having a market value of more
 26 than five hundred dollars.

27 Sec. 183. Section 708.1, Code 2013, is amended to read as
 28 follows:

29 **708.1 Assault defined.**

30 1. An assault as defined in this section is a general intent
 31 crime.

32 2. A person commits an assault when, without justification,
 33 the person does any of the following:

34 ~~1- a.~~ Any act which is intended to cause pain or injury to,
 35 or which is intended to result in physical contact which will

1 be insulting or offensive to another, coupled with the apparent
2 ability to execute the act.

3 ~~2.~~ b. Any act which is intended to place another in fear of
4 immediate physical contact which will be painful, injurious,
5 insulting, or offensive, coupled with the apparent ability to
6 execute the act.

7 ~~3.~~ c. Intentionally points any firearm toward another, or
8 displays in a threatening manner any dangerous weapon toward
9 another.

10 3. Provided, that where An act described in subsection 2
11 shall not be an assault under the following circumstances:

12 a. If the person doing any of the ~~above~~ enumerated acts,
13 and such other person, are voluntary participants in a sport,
14 social or other activity, not in itself criminal, and such act
15 is a reasonably foreseeable incident of such sport or activity,
16 and does not create an unreasonable risk of serious injury or
17 breach of the peace, ~~the act shall not be an assault.~~

18 b. ~~Provided, that where~~ If the person doing any of the ~~above~~
19 enumerated acts is employed by a school district or accredited
20 nonpublic school, or is an area education agency staff member
21 who provides services to a school or school district, and
22 intervenes in a fight or physical struggle, or other disruptive
23 situation, that takes place in the presence of the employee or
24 staff member performing employment duties in a school building,
25 on school grounds, or at an official school function regardless
26 of the location, ~~the act shall not be an assault,~~ whether the
27 fight or physical struggle or other disruptive situation is
28 between students or other individuals, if the degree and the
29 force of the intervention is reasonably necessary to restore
30 order and to protect the safety of those assembled.

31 Sec. 184. Section 708.4, Code 2013, is amended to read as
32 follows:

33 **708.4 Willful injury.**

34 Any person who does an act which is not justified and which
35 is intended to cause serious injury to another commits ~~the~~

1 ~~following~~ willful injury, which is punishable as follows:

2 1. A class "C" felony, if the person causes serious injury
3 to another.

4 2. A class "D" felony, if the person causes bodily injury
5 to another.

6 Sec. 185. Section 709.16, subsection 2, Code 2013, is
7 amended to read as follows:

8 2. a. An officer, employee, contractor, vendor, volunteer,
9 or agent of a juvenile placement facility who engages in a
10 sex act with a juvenile placed at such facility commits an
11 aggravated misdemeanor.

12 b. For purposes of this subsection, a "*juvenile placement*
13 *facility*" means any of the following:

14 ~~a.~~ (1) A child foster care facility licensed under section
15 237.4.

16 ~~b.~~ (2) Institutions controlled by the department of human
17 services listed in section 218.1.

18 ~~c.~~ (3) Juvenile detention and juvenile shelter care homes
19 approved under section 232.142.

20 ~~d.~~ (4) Psychiatric medical institutions for children
21 licensed under chapter 135H.

22 ~~e.~~ (5) ~~Substance abuse facilities~~ Facilities for the
23 treatment of persons with substance-related disorders as
24 defined in section 125.2.

25 Sec. 186. Section 710.5, Code 2013, is amended to read as
26 follows:

27 **710.5 Child stealing.**

28 1. A person commits a ~~class "C" felony~~ child stealing when,
29 knowing that the person has no authority to do so, the person
30 forcibly or fraudulently takes, decoys, or entices away any
31 child with intent to detain or conceal such child from its
32 parents or guardian, or other persons or institution having the
33 lawful custody of such child, unless the person is a relative
34 of such child, and the person's sole purpose is to assume
35 custody of such child.

1 2. Child stealing is a class "C" felony.

2 3. For purposes of determining whether the person should
3 register as a sex offender pursuant to the provisions of
4 chapter 692A, the fact finder shall make a determination as
5 provided in section 692A.126.

6 Sec. 187. Section 710A.2, subsection 8, Code 2013, is
7 amended to read as follows:

8 8. A person's ignorance of the age of the victim or a belief
9 that the victim was older is ~~no~~ not a defense to a violation of
10 this section.

11 Sec. 188. Section 710A.2A, Code 2013, is amended to read as
12 follows:

13 **710A.2A Solicitation of commercial sexual activity.**

14 A person shall not entice, coerce, or recruit, or attempt to
15 entice, coerce, or recruit, either a person who is under the
16 age of eighteen or a law enforcement officer or agent who is
17 representing ~~oneself to be~~ that the officer or agent is under
18 the age of eighteen, to engage in a commercial sexual activity.
19 A person who violates this section commits a class "D" felony.

20 Sec. 189. Section 714.24, subsections 2, 3, 4, and 7, Code
21 2013, are amended to read as follows:

22 2. An entity that claims an exemption under section 714.19
23 ~~or 714.22~~ must file an exemption claim with the commission.
24 The commission may approve or deny the exemption claim. Except
25 for a school that claims an exemption under section 714.19,
26 subsection 1, 3, or 10, a filing of a claim for an exemption
27 pursuant to section 714.19 ~~or 714.22~~ must be completed at least
28 once every two years.

29 3. An entity that claims an exemption under section 714.19
30 ~~or 714.22~~ must file evidence of financial responsibility
31 pursuant to section 714.18 within sixty calendar days following
32 the date upon which conditions that qualify the entity for an
33 exemption under section 714.19 no longer exist. The commission
34 may grant an entity a longer period to file evidence of
35 financial responsibility based on documentation the entity

1 provides to the commission of its substantial progress to
2 comply with section 714.18, subsection 1, paragraph "a".

3 4. An entity that is required to file evidence of financial
4 responsibility under section 714.18, or an entity that files
5 a claim of exemption under section 714.19 ~~or 714.22~~, shall
6 utilize required forms approved and supplied by the commission.

7 7. Except as provided in section 714.18, subsection 2,
8 paragraph "a", the information submitted under sections 714.18,
9 ~~714.22~~, 714.23, and 714.25 are public records under chapter 22.

10 Sec. 190. Section 715.3, subsection 2, Code 2013, is amended
11 to read as follows:

12 2. "*Computer software*" means a sequence of instructions
13 written in any programming language that is executed on a
14 computer. "*Computer software*" does not include computer
15 software that is ~~a web page~~ an internet site or data components
16 of ~~a web page~~ an internet site that are not executable
17 independently of the ~~web page~~ internet site.

18 Sec. 191. Section 715.3, subsection 10, paragraph b, Code
19 2013, is amended to read as follows:

20 b. The storage or hosting of the computer software program
21 or an internet ~~web page~~ site through which the software was
22 made available.

23 Sec. 192. Section 715.4, subsection 1, paragraphs a through
24 c, Code 2013, are amended to read as follows:

25 a. The ~~web page~~ internet site that appears when an owner
26 or operator launches an internet browser or similar computer
27 software used to access and navigate the internet.

28 b. The default provider or ~~web~~ internet proxy that an owner
29 or operator uses to access or search the internet.

30 c. An owner's or an operator's list of bookmarks used to
31 access ~~web pages~~ internet sites.

32 Sec. 193. Section 716.3, Code 2013, is amended to read as
33 follows:

34 **716.3 Criminal mischief in the first degree.**

35 1. Criminal mischief is criminal mischief in the first

1 degree if ~~the~~ either of the following apply:

2 a. The cost of replacing, repairing, or restoring the
3 property ~~so~~ that is damaged, defaced, altered, or destroyed is
4 more than ten thousand dollars, ~~or if such.~~

5 b. The acts are intended to or do in fact cause a
6 substantial interruption or impairment of service rendered to
7 the public by a gas, electric, steam or waterworks corporation,
8 telephone or telegraph corporation, common carrier, or a public
9 utility operated by a municipality.

10 2. Criminal mischief in the first degree is a class "C"
11 felony.

12 Sec. 194. Section 716.4, Code 2013, is amended to read as
13 follows:

14 **716.4 Criminal mischief in the second degree.**

15 1. Criminal mischief is criminal mischief in the second
16 degree if the cost of replacing, repairing, or restoring the
17 property ~~so~~ that is damaged, defaced, altered, or destroyed
18 exceeds one thousand dollars but does not exceed ten thousand
19 dollars.

20 2. Criminal mischief in the second degree is a class "D"
21 felony.

22 Sec. 195. Section 716.6, subsection 1, paragraph a,
23 subparagraph (1), Code 2013, is amended to read as follows:

24 (1) The cost of replacing, repairing, or restoring the
25 property ~~so~~ that is damaged, defaced, altered, or destroyed
26 exceeds two hundred dollars, but does not exceed five hundred
27 dollars.

28 Sec. 196. Section 716.10, subsection 3, Code 2013, is
29 amended to read as follows:

30 3. For purposes of this section, ~~"railway corporation":~~

31 a. "Railway corporation" means a corporation, company, or
32 person owning, leasing, or operating any railroad in whole or
33 in part within the state.

34 b. "Train" means a series of two or more train components
35 which are coupled together in a line.

1 ~~c. For purposes of this section, "train component" "Train~~
2 ~~component"~~ means any locomotive, engine, tender, railroad car,
3 passenger car, freight car, box car, tank car, hopper car,
4 flatbed, container, work equipment, rail-mounted equipment, or
5 any other railroad rolling stock.

6 ~~For purposes of this section, "train" means a series of two~~
7 ~~or more train components which are coupled together in a line.~~

8 Sec. 197. Section 716A.3, subsection 2, Code 2013, is
9 amended to read as follows:

10 2. a. A person who knowingly sells an adulterated or
11 misbranded drug through the use of electronic mail or the
12 internet is guilty of a class "D" felony.

13 b. ~~However, if~~ If the death of a person occurs as the result
14 of consuming a drug, as defined in section 155A.3, sold in
15 violation of this ~~section~~ subsection, the violation is a class
16 "B" felony.

17 Sec. 198. Section 716B.2, Code 2013, is amended to read as
18 follows:

19 **716B.2 Unlawful disposal of hazardous waste — penalties.**

20 1. A person ~~who~~ commits the offense of unlawful disposal
21 of hazardous waste when the person knowingly or with reason to
22 know, disposes of hazardous waste or arranges for or allows
23 the disposal of hazardous waste at any location other than one
24 authorized by the department or the United States environmental
25 protection agency, or in violation of any material term or
26 condition of a hazardous waste facility permit~~r~~.

27 2. a. A person who commits the offense of unlawful disposal
28 of hazardous waste is guilty of an aggravated misdemeanor and
29 upon conviction shall be punished by a fine of not more than
30 twenty-five thousand dollars for each day of violation or
31 imprisonment for not more than two years, or both.

32 b. If the conviction is for a violation committed after
33 a first conviction under this section, the person is guilty
34 of a class "D" felony and shall be punished by a fine of not
35 more than fifty thousand dollars for each day of violation or

1 imprisonment for not more than five years, or both.

2 Sec. 199. Section 716B.3, Code 2013, is amended to read as
3 follows:

4 **716B.3 Unlawful transportation of hazardous waste —**
5 **penalties.**

6 1. A person who commits the offense of unlawful
7 transportation of hazardous waste when the person knowingly or
8 with reason to know, transports or causes to be transported
9 any hazardous waste to any location other than a facility that
10 is authorized to receive, treat, store, or dispose of the
11 hazardous waste under rules adopted pursuant to the federal
12 Resource Conservation and Recovery Act, 42 U.S.C. § 6901 —
13 6992~~7~~.

14 2. a. A person who commits the offense of unlawful
15 transportation of hazardous waste is guilty of an aggravated
16 misdemeanor and upon conviction shall be punished by a fine
17 of not more than twenty-five thousand dollars for each day of
18 violation or imprisonment for not more than two years, or both.

19 b. If the conviction is for a violation committed after
20 a first conviction under this section, the person is guilty
21 of a class "D" felony and shall be punished by a fine of not
22 more than fifty thousand dollars for each day of violation or
23 imprisonment for not more than five years, or both.

24 Sec. 200. Section 716B.4, Code 2013, is amended to read as
25 follows:

26 **716B.4 Unlawful ~~storage or treatment~~ or storage of hazardous**
27 **waste — penalties.**

28 1. A person who commits the offense of unlawful treatment or
29 storage of hazardous waste when the person knowingly or with
30 reason to know, treats or stores hazardous waste without a
31 permit issued pursuant to 42 U.S.C. § 6925 or § 6926.

32 2. a. A person who commits the offense of unlawful
33 treatment or storage of hazardous waste is guilty of an
34 aggravated misdemeanor and upon conviction shall be punished by
35 a fine of not more than twenty-five thousand dollars for each

1 day of violation or imprisonment for not more than two years,
2 or both.

3 b. If the conviction is for a violation committed after
4 a first conviction under this section, the person is guilty
5 of a class "D" felony and shall be punished by a fine of not
6 more than fifty thousand dollars for each day of violation or
7 imprisonment for not more than five years, or both.

8 Sec. 201. Section 717B.1, subsection 5, Code 2013, is
9 amended to read as follows:

10 5. "*Law enforcement officer*" means a regularly employed
11 member of a police force of a city or county, including a
12 sheriff, who is responsible for the prevention and ~~dedication~~
13 detection of crime and the enforcement of the criminal laws of
14 this state.

15 Sec. 202. Section 719.1, subsections 1 and 2, Code 2013, are
16 amended to read as follows:

17 1. A person ~~who~~ commits interference with official acts when
18 the person knowingly resists or obstructs anyone known by the
19 person to be a peace officer, emergency medical care provider
20 under chapter 147A, or fire fighter, whether paid or volunteer,
21 in the performance of any act which is within the scope of the
22 lawful duty or authority of that officer, emergency medical
23 care provider under chapter 147A, or fire fighter, whether paid
24 or volunteer, or who knowingly resists or obstructs the service
25 or execution by any authorized person of any civil or criminal
26 process or order of any court, ~~commits.~~

27 a. Interference with official acts is a simple misdemeanor.
28 In addition to any other penalties, the punishment imposed
29 ~~for a violation of~~ under this subsection paragraph shall
30 include assessment of a fine of not less than two hundred fifty
31 dollars.

32 b. However, if If a person commits an interference with
33 official acts, as defined in this subsection, and in so doing
34 inflicts bodily injury other than serious injury, that person
35 commits an aggravated misdemeanor.

1 c. If a person commits an interference with official acts,
2 as defined in this subsection, and in so doing inflicts or
3 attempts to inflict serious injury, or displays a dangerous
4 weapon, as defined in section 702.7, or is armed with a
5 firearm, that person commits a class "D" felony.

6 2. A person under the custody, control, or supervision of
7 the department of corrections ~~who~~ commits interference with
8 official acts when the person knowingly resists, obstructs, or
9 interferes with a correctional officer, agent, employee, or
10 contractor, whether paid or volunteer, in the performance of
11 the person's official duties, ~~commits.~~

12 a. Interference with official acts in violation of this
13 subsection is a serious misdemeanor.

14 b. If a person violates this subsection and in so doing
15 commits an assault, as defined in section 708.1, the person
16 commits an aggravated misdemeanor.

17 c. If a person violates this subsection and in so doing
18 inflicts or attempts to inflict bodily injury other than
19 serious injury to another, displays a dangerous weapon, as
20 defined in section 702.7, or is armed with a firearm, the
21 person commits a class "D" felony.

22 d. If a person violates this subsection and uses or attempts
23 to use a dangerous weapon, as defined in section 702.7, or
24 inflicts serious injury to another, the person commits a class
25 "C" felony.

26 Sec. 203. Section 721.6, Code 2013, is amended to read as
27 follows:

28 **721.6 Exception to sections 721.3 ~~to~~ through 721.5.**

29 The provisions of sections 721.3 ~~to~~ through 721.5 shall not
30 be construed as prohibiting any such officer or employee who is
31 a candidate for political office to engage in campaigning at
32 any time or at any place for the officer's or employee's ~~self~~
33 own candidacy.

34 Sec. 204. Section 721.7, Code 2013, is amended to read as
35 follows:

1 **721.7 Penalty for violating sections 721.3 to ~~721.6~~ through**
2 **721.5.**

3 Any person who violates any provision of sections 721.3 to
4 ~~721.6~~ through 721.5 shall be guilty of a serious misdemeanor.

5 Sec. 205. Section 724.1, subsection 7, unnumbered paragraph
6 2, Code 2013, is amended by striking the unnumbered paragraph.

7 Sec. 206. Section 724.2, Code 2013, is amended to read as
8 follows:

9 **724.2 Authority to possess offensive weapons.**

10 1. Any of the following persons or entities is authorized
11 to possess an offensive weapon when the person's or entity's
12 duties or lawful activities require or permit such possession:

13 ~~1-~~ a. Any peace officer.

14 ~~2-~~ b. Any member of the armed forces of the United States
15 or of the national guard.

16 ~~3-~~ c. Any person in the service of the United States.

17 ~~4-~~ d. A correctional officer, serving in an institution
18 under the authority of the Iowa department of corrections.

19 ~~5-~~ e. Any person who under the laws of this state and the
20 United States, is lawfully engaged in the business of supplying
21 those authorized to possess such devices.

22 ~~6-~~ f. Any person, firm or corporation who under the laws
23 of this state and the United States is lawfully engaged in the
24 improvement, invention or manufacture of firearms.

25 ~~7-~~ g. Any museum or similar place which possesses, solely
26 as relics, offensive weapons which are rendered permanently
27 unfit for use.

28 ~~8-~~ h. A resident of this state who possesses an offensive
29 weapon which is a curio or relic firearm under the federal
30 Firearms Act, 18 U.S.C. ch. 44, solely for use in the official
31 functions of a historical reenactment organization of which
32 the person is a member, if the offensive weapon has been
33 permanently rendered unfit for the firing of live ammunition.
34 The offensive weapon may, however, be adapted for the firing of
35 blank ammunition.

1 9- i. A nonresident who possesses an offensive weapon
 2 which is a curio or relic firearm under the federal Firearms
 3 Act, 18 U.S.C. ch. 44, solely for use in official functions in
 4 this state of a historical reenactment organization of which
 5 the person is a member, if the offensive weapon is legally
 6 possessed by the person in the person's state of residence
 7 and the offensive weapon is at all times while in this state
 8 rendered incapable of firing live ammunition. A nonresident
 9 who possesses an offensive weapon under this subsection while
 10 in this state shall not have in the person's possession live
 11 ammunition. The offensive weapon may, however, be adapted for
 12 the firing of blank ammunition.

13 2. Notwithstanding subsection 1, a person is not authorized
 14 to possess in this state a shotshell or cartridge intended to
 15 project a flame or fireball of the type described in section
 16 724.1.

17 Sec. 207. Section 724.4B, subsection 2, paragraph b, Code
 18 2013, is amended to read as follows:

19 b. A person who has been specifically authorized by the
 20 school to go armed with, carry, or transport a firearm on
 21 the school grounds, including for purposes of conducting an
 22 instructional program regarding firearms.

23 Sec. 208. Section 802.7, Code 2013, is amended to read as
 24 follows:

25 **802.7 Continuing crimes.**

26 When an offense is based on a series of acts committed at
 27 different times, the period of limitation prescribed by this
 28 ~~division~~ chapter shall commence upon the commission of the last
 29 of such acts.

30 Sec. 209. Section 804.14, Code 2013, is amended to read as
 31 follows:

32 **804.14 Manner of making arrest — warrant.**

33 1. The A person making the an arrest must inform the person
 34 to be arrested of the intention to arrest the person, the
 35 reason for arrest, and that the person making the arrest is

1 a peace officer, if such be the case, and require the person
2 being arrested to submit to the person's custody, except when
3 the person to be arrested is actually engaged in the commission
4 of or attempt to commit an offense, or escapes, so that there
5 is no time or opportunity to do so; ~~if.~~

6 2. If acting under the authority of a warrant, ~~the~~ a law
7 enforcement officer need not have the warrant in the officer's
8 possession at the time of the arrest, but, upon request, the
9 officer shall show the warrant to the person being arrested as
10 soon as possible. If the officer does not have the warrant in
11 the officer's possession at the time of arrest, the officer
12 shall inform the person being arrested of the fact that a
13 warrant has been issued.

14 Sec. 210. Section 814.11, subsection 4, Code 2013, is
15 amended to read as follows:

16 4. In all other cases not specified in subsection 2 or 3,
17 or except as otherwise provided in this section, the court
18 shall appoint an attorney ~~to represent an indigent person~~ who
19 has a contract with the state public defender to provide legal
20 services in appellate cases to represent an indigent person.

21 Sec. 211. Section 815.5, Code 2013, is amended to read as
22 follows:

23 **815.5 Expert witnesses for state and defense.**

24 Notwithstanding the provisions of section 622.72, reasonable
25 compensation as determined by the court shall be awarded expert
26 witnesses, expert witnesses for an indigent person referred to
27 in section 815.4, or expert witnesses called by the state in
28 criminal cases.

29 Sec. 212. Section 901B.1, subsection 3, Code 2013, is
30 amended to read as follows:

31 3. a. Each judicial district and judicial district
32 department of correctional services shall implement an
33 intermediate criminal sanctions program ~~by July 1, 2001.~~ An
34 intermediate criminal sanctions program shall consist of only
35 levels two, three, and sublevels one and three of level four of

1 the corrections continuum and shall be operated in accordance
 2 with an intermediate criminal sanctions plan adopted by the
 3 chief judge of the judicial district and the director of the
 4 judicial district department of correctional services. The
 5 plan adopted shall be designed to reduce probation revocations
 6 to prison through the use of incremental, community-based
 7 sanctions for probation violations.

8 b. The plan shall be subject to rules adopted by the
 9 department of corrections. The rules shall include provisions
 10 for transferring individuals between levels in the continuum.
 11 The provisions shall include a requirement that the reasons
 12 for the transfer be in writing and that an opportunity for the
 13 individual to contest the transfer be made available.

14 c. A copy of the program and plan shall be filed with
 15 the chief judge of the judicial district, the department of
 16 corrections, and the division of criminal and juvenile justice
 17 planning of the department of human rights ~~by July 1, 2001.~~

18 Sec. 213. Section 905.1, subsection 2, Code 2013, is amended
 19 to read as follows:

20 2. "*Community-based correctional program*" means correctional
 21 programs and services, including but not limited to an
 22 intermediate criminal sanctions program in accordance with the
 23 corrections continuum in section 901B.1, designed to supervise
 24 and assist individuals who are charged with or have been
 25 convicted of a felony, an aggravated misdemeanor or a serious
 26 misdemeanor, or who are on probation or parole in lieu of or as
 27 a result of a sentence of incarceration imposed upon conviction
 28 of any of these offenses, or who are contracted to the district
 29 department for supervision and housing while on work release.
 30 A community-based correctional program shall be designed by a
 31 district department in a manner that provides services in a
 32 manner free of disparities based upon an individual's race or
 33 ethnic origin.

34 ~~An intermediate criminal sanctions program shall be designed~~
 35 ~~by a district department in a manner that provides services in~~

1 ~~a manner free of disparities based upon an individual's race~~
 2 ~~or ethnic origin.~~

3 Sec. 214. Section 907.3, subsections 1 and 2, Code 2013, are
 4 amended to read as follows:

5 1. a. With the consent of the defendant, the court may
 6 defer judgment and may place the defendant on probation upon
 7 conditions as it may require. ~~However, a~~ A civil penalty shall
 8 be assessed as provided in section 907.14 upon the entry of a
 9 deferred judgment. ~~Upon a showing that the defendant is not~~
 10 ~~cooperating with the program of probation or is not responding~~
 11 ~~to it, the court may withdraw the defendant from the program,~~
 12 ~~pronounce judgment, and impose any sentence authorized by~~
 13 ~~law. Before taking such action, the court shall give the~~
 14 ~~defendant an opportunity to be heard on any matter relevant to~~
 15 ~~the proposed action. Upon fulfillment of the conditions of~~
 16 ~~probation and the payment of fees imposed and not waived by the~~
 17 ~~judicial district department of correctional services under~~
 18 ~~section 905.14, the defendant shall be discharged without entry~~
 19 ~~of judgment. Upon violation of the conditions of probation,~~
 20 ~~the court may proceed as provided in chapter 908. However, the~~
 21 court shall not defer judgment if any of the following is true:

22 ~~However, this subsection shall not apply if any of the~~
 23 ~~following is true:~~

24 ~~a. The offense is a violation of section 709.8 and the child~~
 25 ~~is twelve years of age or under.~~

26 ~~b.~~ (1) The defendant previously has been convicted of a
 27 felony. "*Felony*" means a conviction in a court of this or any
 28 other state or of the United States, of an offense classified
 29 as a felony by the law under which the defendant was convicted
 30 at the time of the defendant's conviction.

31 ~~c.~~ (2) Prior to the commission of the offense the defendant
 32 had been granted a deferred judgment or similar relief, two or
 33 more times anywhere in the United States.

34 ~~d.~~ (3) Prior to the commission of the offense the defendant
 35 had been granted a deferred judgment or similar relief in a

1 felony prosecution anywhere in the United States within the
2 preceding five years, measured from the date of granting of
3 deferment of judgment to the date of commission of the offense.

4 ~~e. The defendant committed an assault as defined in section~~
5 ~~708.1, against a peace officer in the performance of the peace~~
6 ~~officer's duty.~~

7 ~~f.~~ (4) The defendant is a corporation.

8 (5) The offense is a violation of section 124.401,
9 subsection 1, paragraph "a" or "b", and the controlled substance
10 is methamphetamine.

11 ~~g.~~ (6) The offense is a violation of section 321J.2 and the
12 person has been convicted of a violation of that section or the
13 person's driver's license has been revoked under chapter 321J,
14 and any of the following apply:

15 (1) (a) If the defendant's alcohol concentration
16 established by the results of an analysis of a specimen of the
17 defendant's blood, breath, or urine withdrawn in accordance
18 with chapter 321J exceeds .15, regardless of whether or not the
19 alcohol concentration indicated by the chemical test minus the
20 established margin of error inherent in the device or method
21 used to conduct the test equals an alcohol concentration of .15
22 or more.

23 (2) (b) If the defendant has previously been convicted of a
24 violation of section 321J.2, subsection 1, or a violation of a
25 statute in another state substantially corresponding to section
26 321J.2, subsection 1.

27 (3) (c) If the defendant has previously received a deferred
28 judgment or sentence for a violation of section 321J.2,
29 subsection 1, or for a violation of a statute in another state
30 substantially corresponding to section 321J.2, subsection 1.

31 (4) (d) If the defendant refused to consent to testing
32 requested in accordance with section 321J.6.

33 (5) (e) If the offense under chapter 321J results in bodily
34 injury to a person other than the defendant.

35 ~~h. Prior to the commission of the offense the defendant~~

~~1 had been granted a deferred judgment or deferred sentence for
2 a violation of section 708.2 or 708.2A which was issued on a
3 domestic abuse assault, or was granted similar relief anywhere
4 in the United States concerning that jurisdiction's statutes
5 which substantially correspond to domestic abuse assault as
6 provided in section 708.2A, and the current offense is a
7 violation of section 708.2A.~~

8 (7) The offense is a violation of section 462A.14, and a
9 mandatory minimum sentence must be served or mandatory minimum
10 fine must be paid by the defendant.

11 ~~i.~~ (8) The offense is a conviction for or plea of guilty to
12 a violation of section 664A.7 or a finding of contempt pursuant
13 to section 664A.7.

14 ~~j.~~ The offense is a violation of section 707.6A, subsection
15 1; or a violation of section 707.6A, subsection 4, involving
16 operation of a motor vehicle while intoxicated.

17 ~~k.~~ The offense is a violation of section 124.401, subsection
18 1, paragraph "a" or "b", and the controlled substance is
19 methamphetamine.

20 ~~l.~~ The offense is a violation of section 462A.14, and a
21 mandatory minimum sentence must be served or mandatory minimum
22 fine must be paid by the defendant.

23 ~~m.~~ (9) The offense is a violation of chapter 692A.

24 (10) The offense is a violation of section 707.6A,
25 subsection 1; or a violation of section 707.6A, subsection 4,
26 involving operation of a motor vehicle while intoxicated.

27 (11) The defendant committed an assault as defined in
28 section 708.1, against a peace officer in the performance of
29 the peace officer's duty.

30 (12) Prior to the commission of the offense the defendant
31 had been granted a deferred judgment or deferred sentence for
32 a violation of section 708.2 or 708.2A which was issued on a
33 domestic abuse assault, or was granted similar relief anywhere
34 in the United States concerning that jurisdiction's statutes
35 which substantially correspond to domestic abuse assault as

1 provided in section 708.2A, and the current offense is a
 2 violation of section 708.2A.

3 (13) The offense is a violation of section 709.8 and the
 4 child is twelve years of age or under.

5 b. Upon a showing that the defendant is not cooperating
 6 with the program of probation or is not responding to it, the
 7 court may withdraw the defendant from the program, pronounce
 8 judgment, and impose any sentence authorized by law. Before
 9 taking such action, the court shall give the defendant an
 10 opportunity to be heard on any matter relevant to the proposed
 11 action. Upon violation of the conditions of probation, the
 12 court may proceed as provided in chapter 908.

13 c. Upon fulfillment of the conditions of probation and the
 14 payment of fees imposed and not waived by the judicial district
 15 department of correctional services under section 905.14, the
 16 defendant shall be discharged without entry of judgment.

17 2. a. At the time of or after pronouncing judgment and with
 18 the consent of the defendant, the court may defer the sentence
 19 and assign the defendant to the judicial district department
 20 of correctional services. The court may assign the defendant
 21 to supervision or services under section 901B.1 at the level
 22 of sanctions which the district department determines to be
 23 appropriate. However, the court shall not defer the sentence
 24 for a violation of any of the following:

25 ~~a. Section 708.2A, if the defendant has previously received~~
 26 ~~a deferred judgment or sentence for a violation of section~~
 27 ~~708.2 or 708.2A which was issued on a domestic abuse assault,~~
 28 ~~or if similar relief was granted anywhere in the United States~~
 29 ~~concerning that jurisdiction's statutes which substantially~~
 30 ~~correspond to domestic abuse assault as provided in section~~
 31 ~~708.2A.~~

32 ~~b. Section 664A.7 or for contempt pursuant to section~~
 33 ~~664A.7.~~

34 (1) The offense is a violation of section 124.401,
 35 subsection 1, paragraph "a" or "b", and the controlled substance

1 is methamphetamine.

2 ~~e.~~ (2) Section 321J.2, subsection 1, if any of the
3 following apply:

4 ~~{1}~~ (a) If the defendant's alcohol concentration
5 established by the results of an analysis of a specimen of the
6 defendant's blood, breath, or urine withdrawn in accordance
7 with chapter 321J exceeds .15, regardless of whether or not the
8 alcohol concentration indicated by the chemical test minus the
9 established margin of error inherent in the device or method
10 used to conduct the test equals an alcohol concentration of .15
11 or more.

12 ~~{2}~~ (b) If the defendant has previously been convicted of a
13 violation of section 321J.2, subsection 1, or a violation of a
14 statute in another state substantially corresponding to section
15 321J.2, subsection 1.

16 ~~{3}~~ (c) If the defendant has previously received a deferred
17 judgment or sentence for a violation of section 321J.2,
18 subsection 1, or for a violation of a statute in another state
19 substantially corresponding to section 321J.2, subsection 1.

20 ~~{4}~~ (d) If the defendant refused to consent to testing
21 requested in accordance with section 321J.6.

22 ~~{5}~~ (e) If the offense under chapter 321J results in bodily
23 injury to a person other than the defendant.

24 ~~d. Section 707.6A, subsection 1; or section 707.6A,~~
25 ~~subsection 4, involving operation of a motor vehicle while~~
26 ~~intoxicated.~~

27 ~~e. The offense is a violation of section 124.401, subsection~~
28 ~~1, paragraph "a" or "b", and the controlled substance is~~
29 ~~methamphetamine.~~

30 ~~f.~~ (3) The offense is a violation of section 462A.14, and a
31 mandatory minimum sentence must be served or mandatory minimum
32 fine must be paid by the defendant.

33 (4) Section 664A.7 or for contempt pursuant to section
34 664A.7.

35 ~~g.~~ (5) The offense is a violation of chapter 692A.

1 (6) Section 707.6A, subsection 1; or section 707.6A,
 2 subsection 4, involving operation of a motor vehicle while
 3 intoxicated.

4 (7) Section 708.2A, if the defendant has previously
 5 received a deferred judgment or sentence for a violation of
 6 section 708.2 or 708.2A which was issued on a domestic abuse
 7 assault, or if similar relief was granted anywhere in the
 8 United States concerning that jurisdiction's statutes which
 9 substantially correspond to domestic abuse assault as provided
 10 in section 708.2A.

11 b. Upon a showing that the defendant is not fulfilling the
 12 conditions of probation, the court may revoke probation and
 13 impose any sentence authorized by law. Before taking such
 14 action, the court shall give the defendant an opportunity to
 15 be heard on any matter relevant to the proposed action. Upon
 16 violation of the conditions of probation, the court may proceed
 17 as provided in chapter 908.

18 Sec. 215. Section 907.8, Code 2013, is amended to read as
 19 follows:

20 **907.8 Supervision during probationary period.**

21 1. A person released on probation shall be assigned to a
 22 probation officer. Both the person and the person's probation
 23 officer shall be furnished with the conditions of the person's
 24 probation including a copy of the plan of restitution and
 25 the restitution plan of payment, if any, and the regulations
 26 which the person will be required to observe, in writing.

27 The probation officer shall explain these conditions and
 28 regulations to the person and shall supervise, assist, and
 29 counsel the person during the term of the person's probation.

30 2. a. When probation is granted, the court shall order said
 31 person committed to the custody, care, and supervision:

32 ~~1.~~ (1) Of any suitable resident of this state; or

33 ~~2.~~ (2) Of the judicial district department of correctional
 34 services.

35 b. Jurisdiction over these persons shall remain with the

1 sentencing court.

2 3. In each case ~~wherein~~ in which the court ~~shall order~~
 3 ~~said orders~~ the person committed to the custody, care, and
 4 supervision of the judicial district department of correctional
 5 services, the clerk of the district court shall at once
 6 furnish the director of the judicial district department of
 7 correctional services with certified copies of the indictment
 8 or information, the minutes of testimony attached thereto,
 9 the judgment entry if judgment is not deferred, and the
 10 original mittimus. The county attorney shall at once advise
 11 the director, by letter, that the defendant has been placed
 12 under the supervision of the judicial district department
 13 of correctional services and give the director a detailed
 14 statement of the facts and circumstances surrounding the crime
 15 committed and the record and history of the defendant as may
 16 be known to the county attorney. If the defendant is confined
 17 in the county jail at the time of sentence, the court may
 18 order the defendant held until arrangements are made by the
 19 judicial district department of correctional services for
 20 the defendant's employment and the defendant has signed the
 21 necessary probation papers. If the defendant is not confined
 22 in the county jail at the time of sentence, the court may order
 23 the defendant to remain in the county wherein the defendant has
 24 been convicted and sentenced and report to the sheriff as to
 25 the defendant's whereabouts.

26 Sec. 216. REPEAL. Sections 163.28, 256.11A, 256.22,
 27 313.44, 313.45, and 321.499, Code 2013, are repealed.

28 DIVISION II

29 VOLUME VI RENUMBERING

30 Sec. 217. Section 633.304, Code 2013, is amended to read as
 31 follows:

32 **633.304 Notice of probate of will with administration.**

33 1. As used in this section, "heir" means only such person
 34 as would, in an intestate estate, be entitled to a share under
 35 section 633.219.

1 2. On admission of a will to probate, the executor, as soon
 2 as letters are issued, shall cause to be published once each
 3 week for two consecutive weeks in a daily or weekly newspaper
 4 of general circulation published in the county in which the
 5 estate is pending and at any time during the pendency of
 6 administration that the executor has knowledge of the name
 7 and address of a person believed to own or possess a claim
 8 which will not or may not be paid or otherwise satisfied
 9 during administration, provide by ordinary mail to each such
 10 claimant at the claimant's last known address, and as soon as
 11 practicable give notice, except to any executor, by ordinary
 12 mail to the surviving spouse, each heir of the decedent
 13 and each devisee under the will admitted to probate whose
 14 identities are reasonably ascertainable, at such persons' last
 15 known addresses, a notice of admission of the will to probate
 16 and of the appointment of the executor, in which shall be
 17 included a notice that any action to set aside the probate of
 18 the will must be brought within the later to occur of four
 19 months from the date of the second publication of the notice or
 20 one month from the date of mailing of this notice or thereafter
 21 be forever barred, and in which shall be included a notice to
 22 debtors to make payment, and to creditors having claims against
 23 the estate to file them with the clerk within four months from
 24 the second publication of the notice, or thereafter be forever
 25 barred.

26 ~~As used in this section, "heir" means only such person as~~
 27 ~~would, in an intestate estate, be entitled to a share under~~
 28 ~~section 633.219.~~

29 3. The notice shall be substantially in the following form:

30 Notice of Probate of Will,
 31 of Appointment of Executor,
 32 and Notice to Creditors

33 In the District Court of Iowa

34 in and for County.

35 Probate No.

1
2 In the Estate of, Deceased
3 To All Persons Interested in the Estate of, Deceased,
4 who died on or about (date):
5 You are hereby notified that on the .. day of (month),
6 (year), the last will and testament of,
7 deceased, bearing date of the .. day of (month), ..
8 (year), was admitted to probate in the above named court and
9 that was appointed executor of the estate. Any
10 action to set aside the will must be brought in the district
11 court of said county within the later to occur of four months
12 from the date of the second publication of this notice or one
13 month from the date of mailing of this notice to all heirs of
14 the decedent and devisees under the will whose identities are
15 reasonably ascertainable, or thereafter be forever barred.
16 Notice is further given that all persons indebted to
17 the estate are requested to make immediate payment to the
18 undersigned, and creditors having claims against the estate
19 shall file them with the clerk of the above named district
20 court, as provided by law, duly authenticated, for allowance,
21 and unless so filed by the later to occur of four months from
22 the second publication of this notice or one month from the
23 date of mailing of this notice (unless otherwise allowed or
24 paid) a claim is thereafter forever barred.
25 Dated this .. day of (month), .. (year)
26
27 Executor of estate
28
29 Address
30
31 Attorney for executor
32
33 Address
34 Date of second publication
35 .. day of (month), .. (year)

1 (Date to be inserted by publisher)

2 Sec. 218. Section 634.2, Code 2013, is amended to read as
3 follows:

4 **634.2 Statutory provisions as part of the trust.**

5 1. The trust instrument of each trust to which this chapter
6 applies shall be deemed to contain provisions prohibiting the
7 trustee from doing any of the following:

8 ~~1. a.~~ Engaging in any act of self-dealing, as defined in
9 section 4941(d) of the Internal Revenue Code, which would give
10 rise to any liability for the tax imposed by section 4941(a)
11 of the Internal Revenue Code~~+~~.

12 ~~2. b.~~ Retaining any excess business holdings, as defined in
13 section 4943(c) of the Internal Revenue Code, which would give
14 rise to any liability for the tax imposed by section 4943(a)
15 of the Internal Revenue Code~~+~~.

16 ~~3. c.~~ Making any investments which would jeopardize the
17 carrying out of any of the exempt purposes of the trust, within
18 the meaning of section 4944 of the Internal Revenue Code, so
19 as to give rise to any liability for the tax imposed by section
20 4944(a) of the Internal Revenue Code~~+~~ and.

21 ~~4. d.~~ Making any taxable expenditures, as defined in
22 section 4945(d) of the Internal Revenue Code, which would give
23 rise to any liability for the tax imposed by section 4945(a)
24 of the Internal Revenue Code.

25 2. However, this section shall not apply either to those
26 split-interest trusts or to amounts thereof which are not
27 subject to the prohibitions applicable to private foundations
28 by reason of the provisions of section 4947 of the Internal
29 Revenue Code.

30 Sec. 219. Section 656.2, subsection 2, Code 2013, is amended
31 to read as follows:

32 2. a. The vendor shall also serve a copy of the notice
33 required in subsection 1 on the person in possession of
34 the real estate, if different than the vendee; on all the
35 vendee's mortgagees of record; and on a person who asserts a

1 claim against the vendee's interest, except a government or
2 governmental subdivision or agency holding a lien for real
3 estate taxes or assessments, if the person has done both of the
4 following:

5 ~~a.~~ (1) Requested, on a form which substantially complies
6 with the following form, that notice of forfeiture be served on
7 the person at an address specified in the request.

8 REQUEST FOR NOTICE PURSUANT TO
9 IOWA CODE SECTION 656.2, SUBSECTION 2

10 The undersigned requests service of notice under Iowa Code
11 sections 656.2 and 656.3 to forfeit the contract recorded
12 on the .. day of (month), .. (year), in book or roll
13, image or page ..., office of the county recorder,
14 county, Iowa, wherein is/are seller(s) and
15 is/are buyer(s), for sale of real estate legally
16 described as: [insert complete legal description]

17

18 NAME

19

20

21

22 ADDRESS

23 CAUTION: Your name and address must be correct. If not
24 correct, you will not receive notice requested because notice
25 need only be served on you at the above address. If your
26 address changes, a new request for notice must be filed.

27 ~~The request for notice shall be indexed.~~

28 ~~b.~~ (2) Filed the request form for record in the office of
29 the county recorder after acquisition of the vendee's interest
30 but prior to the date of recording of the proof and record of
31 service of notice of forfeiture required by section 656.5 and
32 paid a fee of five dollars.

33 b. The request for notice is valid for a period of five
34 years from the date of filing with the county recorder. The
35 request for notice may be renewed for additional periods of

1 five years by the procedure specified in this subsection. The
2 request for notice may be amended at any time by the procedure
3 specified in this subsection. The request for notice shall be
4 indexed.

5 c. The vendee's mortgagees of record include all assignees
6 of record for collateral purposes.

7 Sec. 220. Section 694.1, Code 2013, is amended to read as
8 follows:

9 **694.1 Missing persons Definitions.**

10 As used in this chapter, unless the context otherwise
11 indicates, ~~"missing person":~~

12 1. "Missing person" means a person who is missing and meets
13 one of the following characteristics:

14 ~~1. a.~~ a. Is a person with a physical or mental disability.

15 ~~2. b.~~ b. Is missing under circumstances indicating that the
16 person's safety may be in danger.

17 ~~3. c.~~ c. Is missing under circumstances indicating that the
18 disappearance was not voluntary.

19 ~~4. d.~~ d. Is an unemancipated minor.

20 ~~2. For purposes of this chapter an "unemancipated minor"~~
21 "Unemancipated minor" means a minor who has not married and who
22 resides with a parent or other legal guardian.

23 Sec. 221. Section 705.1, Code 2013, is amended to read as
24 follows:

25 **705.1 Solicitation.**

26 1. Any A person who solicits another person to commit a
27 felony or aggravated misdemeanor when the person commands,
28 entreats, or otherwise attempts to persuade another the
29 other person to commit a particular felony or aggravated
30 misdemeanor, with the intent that such act be done and under
31 circumstances which corroborates that intent by clear and
32 convincing evidence, solicits such other to commit that felony
33 or aggravated misdemeanor.

34 2. One A person who solicits another person to commit a
35 felony of any class commits a class "D" felony.

1 ~~3. One~~ A person who solicits another person to commit an
2 aggravated misdemeanor commits an aggravated misdemeanor.

3 Sec. 222. Section 705.2, Code 2013, is amended to read as
4 follows:

5 **705.2 Renunciation.**

6 It is a defense to a prosecution for solicitation that the
7 defendant, after soliciting another person to commit a felony
8 or aggravated misdemeanor, persuaded the person not to do so
9 or otherwise prevented the commission of the offense, under
10 circumstances manifesting a complete and voluntary renunciation
11 of the defendant's criminal intent. A renunciation is not
12 "*voluntary and complete*" if it is motivated in whole or in part
13 by ~~for~~ either of the following:

14 1. The person's belief that circumstances exist which
15 increase the possibility of detection or apprehension of
16 the defendant or another or which make more difficult the
17 consummation of the offense ~~or (b) the.~~

18 2. The person's decision to postpone the offense until
19 another time or to substitute another victim or another but
20 similar objective.

21 Sec. 223. Section 706A.3, subsection 9, Code 2013, is
22 amended to read as follows:

23 9. a. Notwithstanding any other provision of law, any
24 pleading, motion, or other paper filed by a nongovernmental
25 aggrieved party in connection with a proceeding or action under
26 subsection 7 shall be verified.

27 (1) If such aggrieved person is represented by an attorney,
28 such pleading, motion, or other paper shall be signed by at
29 least one attorney of record in the attorney's individual name,
30 whose address shall be stated.

31 (2) If such pleading, motion, or other paper includes an
32 averment of fraud, coercion, accomplice, respondent superior,
33 conspiratorial, enterprise, or other vicarious accountability,
34 it shall state, insofar as practicable, the circumstances with
35 particularity.

1 ~~b. If such pleading, motion, or other paper includes an~~
2 ~~averment of fraud, coercion, accomplice, respondent superior,~~
3 ~~conspiratorial, enterprise, or other vicarious accountability,~~
4 ~~it shall state, insofar as practicable, the circumstances~~
5 ~~with particularity.~~ The verification and the signature by
6 an attorney required by this subsection shall constitute a
7 certification by the signer that the attorney has carefully
8 read the pleading, motion, or other paper and, based on a
9 reasonable inquiry, believes that all of the following exist:

10 ~~a.~~ (1) It is well grounded in fact.

11 ~~b.~~ (2) It is warranted by existing law, or a good faith
12 argument for the extension, modification, or reversal of
13 existing law.

14 ~~c.~~ (3) It is not made for an improper purpose, including
15 to harass, to cause unnecessary delay, or to impose a needless
16 increase in the cost of litigation.

17 c. The court may, after a hearing and appropriate findings
18 of fact, impose upon any person who verified the complaint,
19 cross-claim, or counterclaim, or any attorney who signed it
20 in violation of this subsection, or both, a fit and proper
21 sanction, which may include an order to pay to the other party
22 or parties the amount of the reasonable expenses incurred
23 because of the complaint or claim, including reasonable
24 attorney fees.

25 d. If the court determines that the filing of a complaint
26 or claim under subsection 7 by a nongovernmental party was
27 frivolous in whole or in part, the court shall award double the
28 actual expenses, including attorney fees, incurred because of
29 the frivolous portion of the complaint or claim.

30 Sec. 224. Section 707.4, Code 2013, is amended to read as
31 follows:

32 **707.4 Voluntary manslaughter.**

33 1. A person commits voluntary manslaughter when that person
34 causes the death of another person, under circumstances which
35 would otherwise be murder, if the person causing the death

1 acts solely as the result of sudden, violent, and irresistible
2 passion resulting from serious provocation sufficient to excite
3 such passion in a person and there is not an interval between
4 the provocation and the killing in which a person of ordinary
5 reason and temperament would regain control and suppress the
6 impulse to kill.

7 ~~Voluntary manslaughter is an included offense under an~~
8 ~~indictment for murder in the first or second degree.~~

9 2. Voluntary manslaughter is a class "C" felony.

10 3. Voluntary manslaughter is an included offense under an
11 indictment for murder in the first or second degree.

12 4. For purposes of determining whether a person should
13 register as a sex offender pursuant to the provisions of
14 chapter 692A, the fact finder shall make a determination as
15 provided in section 692A.126.

16 Sec. 225. Section 707.5, Code 2013, is amended to read as
17 follows:

18 **707.5 Involuntary manslaughter.**

19 1. A person commits a involuntary manslaughter punishable
20 as:

21 a. A class "D" felony when the person unintentionally causes
22 the death of another person by the commission of a public
23 offense other than a forcible felony or escape.

24 ~~2. b. A person commits an~~ An aggravated misdemeanor when
25 the person unintentionally causes the death of another person
26 by the commission of an act in a manner likely to cause death
27 or serious injury.

28 2. Involuntary manslaughter as defined in this section is an
29 included offense under an indictment for murder in the first or
30 second degree or voluntary manslaughter.

31 3. For purposes of determining whether a person should
32 register as a sex offender pursuant to the provisions of
33 chapter 692A, the fact finder shall make a determination as
34 provided in section 692A.126.

35 Sec. 226. Section 707.11, Code 2013, is amended to read as

1 follows:

2 **707.11 Attempt to commit murder.**

3 1. A person commits a ~~class "B" felony attempt to commit~~
4 murder when, with the intent to cause the death of another
5 person and not under circumstances which would justify the
6 person's actions, the person does any act by which the person
7 expects to set in motion a force or chain of events which will
8 cause or result in the death of the other person.

9 2. Attempt to commit murder is a class "B" felony.

10 3. It is not a defense to an indictment for attempt to
11 commit murder that the acts proved could not have caused the
12 death of any person, provided that the actor intended to
13 cause the death of some person by so acting, and the actor's
14 expectations were not unreasonable in the light of the facts
15 known to the actor.

16 4. For purposes of determining whether the person should
17 register as a sex offender pursuant to the provisions of
18 chapter 692A, the fact finder shall make a determination as
19 provided in section 692A.126.

20 Sec. 227. Section 708.3, Code 2013, is amended to read as
21 follows:

22 **708.3 Assault while participating in a felony.**

23 Any person who commits an assault as defined in section 708.1
24 while participating in a felony other than a sexual abuse is
25 guilty of a:

26 1. A class "C" felony if the person thereby causes serious
27 injury to any person; ~~if no serious injury results, the person~~
28 ~~is guilty of a.~~

29 2. A class "D" felony if no serious injury results.

30 Sec. 228. Section 709.3, Code 2013, is amended to read as
31 follows:

32 **709.3 Sexual abuse in the second degree.**

33 1. A person commits sexual abuse in the second degree when
34 the person commits sexual abuse under any of the following
35 circumstances:

1 ~~1.~~ a. During the commission of sexual abuse the person
2 displays in a threatening manner a dangerous weapon, or uses or
3 threatens to use force creating a substantial risk of death or
4 serious injury to any person.

5 ~~2.~~ b. The other person is under the age of twelve.

6 ~~3.~~ c. The person is aided or abetted by one or more persons
7 and the sex act is committed by force or against the will of the
8 other person against whom the sex act is committed.

9 2. Sexual abuse in the second degree is a class "B" felony.

10 Sec. 229. Section 709.11, Code 2013, is amended to read as
11 follows:

12 **709.11 Assault with intent to commit sexual abuse.**

13 Any person who commits an assault, as defined in section
14 708.1, with the intent to commit sexual abuse is:

15 1. Is guilty of a class "C" felony if the person thereby
16 causes serious injury to any person and.

17 2. Is guilty of a class "D" felony if the person thereby
18 causes any person a bodily injury other than a serious injury.
19 ~~The person is~~

20 3. Is guilty of an aggravated misdemeanor if no injury
21 results.

22 Sec. 230. Section 709.15, Code 2013, is amended to read as
23 follows:

24 **709.15 Sexual exploitation by a counselor, therapist, or**
25 **school employee.**

26 1. As used in this section:

27 a. "*Counselor or therapist*" means a physician, psychologist,
28 nurse, professional counselor, social worker, marriage or
29 family therapist, alcohol or drug counselor, member of the
30 clergy, or any other person, whether or not licensed or
31 registered by the state, who provides or purports to provide
32 mental health services.

33 b. "*Emotionally dependent*" means that the nature of the
34 patient's or client's or former patient's or client's emotional
35 condition or the nature of the treatment provided by the

1 counselor or therapist is such that the counselor or therapist
2 knows or has reason to know that the patient or client or
3 former patient or client is significantly impaired in the
4 ability to withhold consent to sexual conduct, as described in
5 subsection 2, by the counselor or therapist. For the purposes
6 of subsection 2, a former patient or client is presumed to be
7 emotionally dependent for one year following the termination of
8 the provision of mental health services.

9 ~~For the purposes of subsection 2, a former patient or client~~
10 ~~is presumed to be emotionally dependent for one year following~~
11 ~~the termination of the provision of mental health services.~~

12 *c. "Former patient or client" means a person who received*
13 *mental health services from the counselor or therapist.*

14 *d. "Mental health service" means the treatment, assessment,*
15 *or counseling of another person for a cognitive, behavioral,*
16 *emotional, mental, or social dysfunction, including an*
17 *intrapersonal or interpersonal dysfunction.*

18 *e. "Patient or client" means a person who receives mental*
19 *health services from the counselor or therapist.*

20 *f. "School employee" means a practitioner as defined in*
21 *section 272.1.*

22 *g. "Student" means a person who is currently enrolled in or*
23 *attending a public or nonpublic elementary or secondary school,*
24 *or who was a student enrolled in or who attended a public or*
25 *nonpublic elementary or secondary school within thirty days of*
26 *any violation of subsection 3.*

27 2. *a.* Sexual exploitation by a counselor or therapist
28 occurs when any of the following are found:

29 ~~*a.*~~ (1) A pattern or practice or scheme of conduct to engage
30 in any of the conduct described in ~~paragraph "b"~~ subparagraph
31 (2) or ~~"c"~~ (3).

32 ~~*b.*~~ (2) Any sexual conduct, with an emotionally dependent
33 patient or client or emotionally dependent former patient or
34 client for the purpose of arousing or satisfying the sexual
35 desires of the counselor or therapist or the emotionally

1 dependent patient or client or emotionally dependent former
2 patient or client, which includes but is not limited to the
3 following: ~~kissing; touching~~

4 (a) Kissing.

5 (b) Touching of the clothed or unclothed inner thigh,
6 breast, groin, buttock, anus, pubes, or genitals; ~~or a.~~

7 (c) A sex act as defined in section 702.17.

8 ~~c.~~ (3) Any sexual conduct with a patient or client or
9 former patient or client within one year of the termination of
10 the provision of mental health services by the counselor or
11 therapist for the purpose of arousing or satisfying the sexual
12 desires of the counselor or therapist or the patient or client
13 or former patient or client which includes but is not limited
14 to the following: ~~kissing; touching~~

15 (a) Kissing.

16 (b) Touching of the clothed or unclothed inner thigh,
17 breast, groin, buttock, anus, pubes, or genitals; ~~or a.~~

18 (c) A sex act as defined in section 702.17.

19 b. Sexual exploitation by a counselor or therapist does
20 not include touching which is part of a necessary examination
21 or treatment provided a patient or client by a counselor or
22 therapist acting within the scope of the practice or employment
23 in which the counselor or therapist is engaged.

24 3. a. Sexual exploitation by a school employee occurs when
25 any of the following are found:

26 ~~a.~~ (1) A pattern or practice or scheme of conduct to engage
27 in any of the conduct described in ~~paragraph "b"~~ subparagraph
28 (2).

29 ~~b.~~ (2) Any sexual conduct with a student for the purpose
30 of arousing or satisfying the sexual desires of the school
31 employee or the student. Sexual conduct includes but is not
32 limited to the following: ~~kissing; touching~~

33 (a) Kissing.

34 (b) Touching of the clothed or unclothed inner thigh,
35 breast, groin, buttock, anus, pubes, or genitals; ~~or a.~~

1 (c) A sex act as defined in section 702.17.

2 b. Sexual exploitation by a school employee does not include
3 touching that is necessary in the performance of the school
4 employee's duties while acting within the scope of employment.

5 4. a. A counselor or therapist who commits sexual
6 exploitation in violation of subsection 2, paragraph "a",
7 subparagraph (1), commits a class "D" felony.

8 b. A counselor or therapist who commits sexual exploitation
9 in violation of subsection 2, paragraph "b" "a", subparagraph
10 (2), commits an aggravated misdemeanor.

11 c. A counselor or therapist who commits sexual exploitation
12 in violation of subsection 2, paragraph "c" "a", subparagraph
13 (3), commits a serious misdemeanor. In lieu of the sentence
14 provided for under section 903.1, subsection 1, paragraph
15 "b", the offender may be required to attend a sexual abuser
16 treatment program.

17 5. a. A school employee who commits sexual exploitation
18 in violation of subsection 3, paragraph "a", subparagraph (1),
19 commits a class "D" felony.

20 b. A school employee who commits sexual exploitation in
21 violation of subsection 3, paragraph "b" "a", subparagraph (2),
22 commits an aggravated misdemeanor.

23 Sec. 231. Section 711.4, Code 2013, is amended to read as
24 follows:

25 **711.4 Extortion.**

26 1. A person commits extortion if the person does any of the
27 following with the purpose of obtaining for oneself or another
28 anything of value, tangible or intangible, including labor or
29 services:

30 ~~1.~~ a. Threatens to inflict physical injury on some person,
31 or to commit any public offense.

32 ~~2.~~ b. Threatens to accuse another of a public offense.

33 ~~3.~~ c. Threatens to expose any person to hatred, contempt,
34 or ridicule.

35 ~~4.~~ d. Threatens to harm the credit or business or

1 professional reputation of any person.

2 ~~5.~~ e. Threatens to take or withhold action as a public
3 officer or employee, or to cause some public official or
4 employee to take or withhold action.

5 ~~6.~~ f. Threatens to testify or provide information or to
6 withhold testimony or information with respect to another's
7 legal claim or defense.

8 ~~7.~~ g. Threatens to wrongfully injure the property of
9 another.

10 2. Extortion is a class "D" felony.

11 3. It is a defense to a charge of extortion that the
12 person making a threat other than a threat to commit a public
13 offense, reasonably believed that the person had a right to
14 make such threats in order to recover property, or to receive
15 compensation for property or services, or to recover a debt to
16 which the person has a good faith claim.

17 ~~Extortion is a class "D" felony.~~

18 Sec. 232. Section 714.15, Code 2013, is amended to read as
19 follows:

20 **714.15 Reproduction of sound recordings.**

21 1. For the purposes of this section:

22 ~~"Person" shall mean person as defined in section 4.1,~~
23 ~~subsection 20.~~

24 a. "Owner" means any person who owns the original fixation
25 of sounds embodied in the master phonograph record, master
26 disc, master tape, master film or other device used for
27 reproducing sounds on phonograph records, discs, tapes, films,
28 or other articles upon which sound is recorded, and from which
29 the transferred recorded sounds are derived.

30 b. "Person" shall mean person as defined in section 4.1,
31 subsection 20.

32 ~~1.~~ 2. Except as provided in subsection ~~3~~ 4, it is unlawful
33 for a person knowingly to:

34 a. Transfer or cause to be transferred any sounds recorded
35 on a phonograph record, disc, wire, tape, film or other article

1 without the consent of the owner; or

2 ~~b.~~ Sell; distribute; circulate; offer for sale, distribution
3 or circulation; possess for the purpose of sale, distribution
4 or circulation; or cause to be sold, distributed, circulated;
5 offered for sale, distribution or circulation; or possessed
6 for sale, distribution or circulation, any article or device
7 on which sounds have been transferred without the consent of
8 the person who owns the master phonograph record, master disc,
9 master tape or other device or article from which the sounds
10 are derived.

11 ~~2.~~ 3. It is unlawful for a person to sell, distribute,
12 circulate, offer for sale, distribution or circulation or
13 possess for the purposes of sale, distribution or circulation,
14 any phonograph record, disc, wire, tape, film or other article
15 on which sounds have been transferred unless the phonograph
16 record, disc, wire, tape, film or other article bears the
17 actual name and address of the transferor of the sounds in a
18 prominent place on its outside face or package.

19 ~~3.~~ 4. This section does not apply to a person who
20 transfers or causes to be transferred sounds intended for or
21 in connection with radio or television broadcast transmission
22 or related uses, synchronized sound tracks of motion pictures
23 or sound tracks recorded for synchronizing with motion
24 pictures, for archival purposes or for the personal use of the
25 person transferring or causing the transfer and without any
26 compensation being derived by the person from the transfer.

27 ~~4.~~ 5. A person who violates the provisions of this section
28 is guilty of theft.

29 Sec. 233. Section 715B.4, subsection 1, Code 2013, is
30 amended to read as follows:

31 1. An art merchant who sells a work of fine art or a
32 multiple to a buyer under a warranty attesting to facts about
33 the work which are not true is liable to the buyer to whom the
34 work was sold.

35 a. If the warranty was untrue through no fault of the art

1 merchant, the merchant's liability is the consideration paid
 2 by the buyer upon return of the work in substantially the same
 3 condition in which it was received by the buyer.

4 **b.** If the warranty is untrue and the buyer is able to
 5 establish that the art merchant failed to make reasonable
 6 inquiries according to the custom and the usage of the
 7 trade to confirm the warranted facts about the work, or that
 8 the warranted facts would have been found to be untrue if
 9 reasonable inquiries had been made, the merchant's liability is
 10 the consideration paid by the buyer with interest from the time
 11 of the payment at the rate prescribed by section 535.3 upon the
 12 return of the work in substantially the same condition in which
 13 it was received by the buyer.

14 **c. (1)** If the warranty is untrue and the buyer is able
 15 to establish that the art merchant knowingly provided false
 16 information on the warranty or willfully and falsely disclaimed
 17 knowledge of information relating to the warranty, the merchant
 18 is liable to the buyer in an amount equal to three times the
 19 amount provided in paragraph "b".

20 **(2)** This remedy shall not bar or be deemed inconsistent with
 21 a claim for damages or with the exercise of additional remedies
 22 otherwise available to the buyer.

23 Sec. 234. Section 716.7, Code 2013, is amended to read as
 24 follows:

25 **716.7 Trespass defined.**

26 1. For purposes of this section:

27 **a.** The term "~~property~~" "*Property*" shall include any land,
 28 dwelling, building, conveyance, vehicle, or other temporary or
 29 permanent structure whether publicly or privately owned.

30 **b.** "*Public utility property*" means any land, dwelling,
 31 building, conveyance, vehicle, or other temporary or permanent
 32 structure owned, leased, or operated by a public utility and
 33 that is completely enclosed by a physical barrier of any kind.
 34 For the purposes of this section, a "*public utility*" is a public
 35 utility as defined in section 476.1 or an electric transmission

1 line as provided in chapter 478.

2 c. "Railway corporation" means a corporation, company, or
3 person owning, leasing, or operating any railroad in whole or
4 in part within this state.

5 d. "Railway property" means all tangible real and personal
6 property owned, leased, or operated by a railway corporation
7 with the exception of any administrative building or offices of
8 the railway corporation.

9 2. a. The term "trespass" "Trespass" shall mean one or more
10 of the following acts:

11 a. (1) Entering upon or in property without the express
12 permission of the owner, lessee, or person in lawful possession
13 with the intent to commit a public offense, to use, remove
14 therefrom, alter, damage, harass, or place thereon or therein
15 anything animate or inanimate, or to hunt, fish or trap on or
16 in the property, including the act of taking or attempting to
17 take a deer, other than a farm deer as defined in section 170.1
18 or preserve whitetail as defined in section 484C.1, which is
19 on or in the property by a person who is outside the property.
20 This paragraph subparagraph does not prohibit the unarmed
21 pursuit of game or fur-bearing animals by a person who lawfully
22 injured or killed the game or fur-bearing animal which comes to
23 rest on or escapes to the property of another.

24 b. (2) Entering or remaining upon or in property without
25 justification after being notified or requested to abstain from
26 entering or to remove or vacate therefrom by the owner, lessee,
27 or person in lawful possession, or the agent or employee of the
28 owner, lessee, or person in lawful possession, or by any peace
29 officer, magistrate, or public employee whose duty it is to
30 supervise the use or maintenance of the property.

31 c. (3) Entering upon or in property for the purpose or
32 with the effect of unduly interfering with the lawful use of
33 the property by others.

34 d. (4) Being upon or in property and wrongfully using,
35 removing therefrom, altering, damaging, harassing, or placing

1 thereon or therein anything animate or inanimate, without the
2 implied or actual permission of the owner, lessee, or person in
3 lawful possession.

4 ~~e.~~ (5) Entering or remaining upon or in railway property
5 without lawful authority or without the consent of the railway
6 corporation which owns, leases, or operates the railway
7 property. This ~~paragraph~~ subparagraph does not apply to
8 passage over a railroad right-of-way, other than a track,
9 railroad roadbed, viaduct, bridge, trestle, or railroad yard,
10 by an unarmed person if the person has not been notified or
11 requested to abstain from entering on to the right-of-way or to
12 vacate the right-of-way and the passage over the right-of-way
13 does not interfere with the operation of the railroad.

14 ~~f.~~ (6) Entering or remaining upon or in public utility
15 property without lawful authority or without the consent of
16 the public utility that owns, leases, or operates the public
17 utility property. This ~~paragraph~~ subparagraph does not apply
18 to passage over public utility right-of-way by a person if the
19 person has not been notified or requested by posted signage or
20 other means to abstain from entering onto the right-of-way or
21 to vacate the right-of-way.

22 3. ~~b.~~ The term "~~trespass~~" "Trespass" shall not mean
23 entering either of the following:

24 (1) Entering upon the property of another for the sole
25 purpose of retrieving personal property which has accidentally
26 or inadvertently been thrown, fallen, strayed, or blown onto
27 the property of another, provided that the person retrieving
28 the property takes the most direct and accessible route to
29 and from the property to be retrieved, quits the property as
30 quickly as is possible, and does not unduly interfere with
31 the lawful use of the property. This ~~subsection~~ subparagraph
32 does not apply to public utility property where the person has
33 been notified or requested by posted signage or other means to
34 abstain from entering.

35 4. (2) The term "~~trespass~~" ~~does not mean the entering~~

1 Entering upon the right-of-way of a public road or highway.

2 ~~5. a. For purposes of this section, "railway property"~~
3 ~~means all tangible real and personal property owned, leased,~~
4 ~~or operated by a railway corporation with the exception of any~~
5 ~~administrative building or offices of the railway corporation.~~

6 ~~b. For purposes of this section, "railway corporation" means~~
7 ~~a corporation, company, or person owning, leasing, or operating~~
8 ~~any railroad in whole or in part within this state.~~

9 ~~6. For purposes of this section, "public utility property"~~
10 ~~means any land, dwelling, building, conveyance, vehicle, or~~
11 ~~other temporary or permanent structure owned, leased, or~~
12 ~~operated by a public utility and that is completely enclosed~~
13 ~~by a physical barrier of any kind. For the purposes of this~~
14 ~~section, a "public utility" is a public utility as defined in~~
15 ~~section 476.1 or an electric transmission line as provided in~~
16 ~~chapter 478.~~

17 ~~7. 3.~~ This section shall not apply to the following
18 persons:

19 a. Representatives of the state department of
20 transportation, the federal railroad administration, or the
21 national transportation safety board who enter or remain upon
22 or in railway property while engaged in the performance of
23 official duties.

24 b. Employees of a railway corporation who enter or remain
25 upon or in railway property while acting in the course of
26 employment.

27 c. Any person who is engaged in the operation of a lawful
28 business on railway station grounds or in the railway depot.

29 d. Representatives of the Iowa utilities board, the federal
30 energy regulatory commission, or the federal communications
31 commission who enter or remain upon or in public utility
32 property while engaged in the performance of official duties.

33 e. Employees of a public utility who enter or remain upon
34 or in public utility property while acting in the course of
35 employment.

1 Sec. 235. Section 724.16A, Code 2013, is amended to read as
2 follows:

3 **724.16A Trafficking in stolen weapons.**

4 1. A person who knowingly transfers or acquires possession,
5 or who facilitates the transfer, of a stolen firearm commits a:

6 a. A class "D" felony for a first offense and ~~a.~~

7 b. A class "C" felony for second and subsequent offenses or
8 if the weapon is used in the commission of a public offense.

9 2. However, this section shall not apply to a person
10 purchasing stolen firearms through a buy-back program sponsored
11 by a law enforcement agency if the firearms are returned to
12 their rightful owners or destroyed.

13 Sec. 236. Section 726.1, Code 2013, is amended to read as
14 follows:

15 **726.1 Bigamy.**

16 1. a. Any person, having a living husband or wife, who
17 marries another, commits bigamy. ~~Any of the following is a~~
18 ~~defense to the charge of bigamy:~~

19 ~~1. The prior marriage was terminated in accordance with~~
20 ~~applicable law, or the person reasonably believes on reasonably~~
21 ~~convincing evidence that the prior marriage was so terminated.~~

22 ~~2. The person believes, on reasonably convincing evidence,~~
23 ~~that the prior spouse is dead.~~

24 ~~3. The person has, for three years, had no evidence by which~~
25 ~~the person can reasonably believe that the prior spouse is~~
26 ~~alive.~~

27 b. Any person who marries another who the person knows has
28 another living husband or wife commits bigamy.

29 2. Bigamy is a serious misdemeanor.

30 3. Any of the following is a defense to the charge of
31 bigamy:

32 a. The prior marriage was terminated in accordance with
33 applicable law, or the person reasonably believes on reasonably
34 convincing evidence that the prior marriage was so terminated.

35 b. The person believes, on reasonably convincing evidence,

1 that the prior spouse is dead.

2 c. The person has, for three years, had no evidence by which
3 the person can reasonably believe that the prior spouse is
4 alive.

5 Sec. 237. Section 729.5, Code 2013, is amended to read as
6 follows:

7 **729.5 Violation of individual rights — penalty.**

8 1. A person, who acts alone, or who conspires with
9 another person or persons, to injure, oppress, threaten, or
10 intimidate or interfere with any citizen in the free exercise
11 or enjoyment of any right or privilege secured to that person
12 by the constitution or laws of the state of Iowa or by the
13 constitution or laws of the United States, and assembles
14 with one or more persons for the purpose of teaching or
15 being instructed in any technique or means capable of causing
16 property damage, bodily injury or death when the person
17 or persons intend to employ those techniques or means in
18 furtherance of the conspiracy, is on conviction, guilty of a
19 class "D" felony.

20 2. A person intimidates or interferes with another person if
21 the act of the person results in any of the following:

22 a. Physical injury to the other person.

23 b. Physical damage to or destruction of the other person's
24 property.

25 c. Communication in a manner, or action in a manner,
26 intended to result in either of the following:

27 (1) To place the other person in fear of physical contact
28 which will be injurious, insulting, or offensive, coupled with
29 the apparent ability to execute the act.

30 (2) To place the other person in fear of harm to the other
31 person's property, or harm to the person or property of a third
32 person.

33 ~~2.~~ 3. This section does not make unlawful the teaching of
34 any technique in self-defense.

35 ~~3.~~ 4. This section does not make unlawful any activity of

1 any of the following officials or persons:

2 a. Law enforcement officials of this or any other
3 jurisdiction while engaged in the lawful performance of their
4 official duties.

5 b. Federal officials required to carry firearms while
6 engaged in the lawful performance of their official duties.

7 c. Members of the armed forces of the United States or the
8 national guard while engaged in the lawful performance of their
9 official duties.

10 d. Any conservation commission, law enforcement agency,
11 or any agency licensed to provide security services, or any
12 hunting club, gun club, shooting range, or other organization
13 or entity whose primary purpose is to teach the safe handling
14 or use of firearms, archery equipment, or other weapons or
15 techniques employed in connection with lawful sporting or other
16 lawful activity.

17 Sec. 238. Section 804.8, Code 2013, is amended to read as
18 follows:

19 **804.8 Use of force by peace officer making an arrest.**

20 1. A peace officer, while making a lawful arrest, is
21 justified in the use of any force which the peace officer
22 reasonably believes to be necessary to effect the arrest or to
23 defend any person from bodily harm while making the arrest.
24 However, the use of deadly force is only justified when a
25 person cannot be captured any other way and either of the
26 following apply:

27 ~~1.~~ a. The person has used or threatened to use deadly force
28 in committing a felony ~~or~~.

29 ~~2.~~ b. The peace officer reasonably believes the person
30 would use deadly force against any person unless immediately
31 apprehended.

32 2. A peace officer making an arrest pursuant to an invalid
33 warrant is justified in the use of any force which the peace
34 officer would be justified in using if the warrant were valid,
35 unless the peace officer knows that the warrant is invalid.

1 Sec. 239. Section 804.11, Code 2013, is amended to read as
2 follows:

3 **804.11 Arrest of material witness.**

4 1. When a law enforcement officer has probable cause to
5 believe that a person is a necessary and material witness to a
6 felony and that such person might be unavailable for service of
7 a subpoena, the officer may arrest such person as a material
8 witness with or without an arrest warrant.

9 2. At the time of the arrest, the law enforcement officer
10 shall inform the person of:

11 ~~1. a.~~ The officer's identity as a law enforcement officer,
12 ~~and.~~

13 ~~2. b.~~ The reason for the arrest which is that the person is
14 believed to be a material witness to an identified felony and
15 that the person might be unavailable for service of a subpoena.

16 Sec. 240. Section 901.2, Code 2013, is amended to read as
17 follows:

18 **901.2 Presentence investigation.**

19 1. Upon a plea of guilty, a verdict of guilty, or a special
20 verdict upon which a judgment of conviction of a public offense
21 may be rendered, the court shall receive from the state, from
22 the judicial district department of correctional services,
23 and from the defendant any information which may be offered
24 which is relevant to the question of sentencing. The court may
25 consider information from other sources.

26 2. a. The court shall not order a presentence investigation
27 when the offense is a class "A" felony. If, however, the board
28 of parole determines that the Iowa medical and classification
29 center reception report for a class "A" felon is inadequate,
30 the board may request and shall be provided with additional
31 information from the appropriate judicial district department
32 of correctional services.

33 b. The court shall order a presentence investigation when
34 the offense is any felony punishable under section 902.9,
35 subsection 1, or a class "B", class "C", or class "D" felony.

1 A presentence investigation for any felony punishable under
2 section 902.9, subsection 1, or a class "B", class "C", or
3 class "D" felony shall not be waived. The court may order,
4 with the consent of the defendant, that the presentence
5 investigation begin prior to the acceptance of a plea of
6 guilty, or prior to a verdict of guilty.

7 c. The court may order a presentence investigation when the
8 offense is an aggravated misdemeanor.

9 d. The court may order a presentence investigation when
10 the offense is a serious misdemeanor only upon a finding
11 of exceptional circumstances warranting an investigation.
12 Notwithstanding section 901.3, a presentence investigation
13 ordered by the court for a serious misdemeanor shall include
14 information concerning only the following:

15 ~~1.~~ (1) A brief personal and social history of the
16 defendant.

17 ~~2.~~ (2) The defendant's criminal record.

18 ~~3.~~ (3) The harm to the victim, the victim's immediate
19 family, and the community, including any completed victim
20 impact statement or statements and restitution plan.

21 3. The court may withhold execution of any judgment or
22 sentence for such time as shall be reasonably necessary for an
23 investigation with respect to deferment of judgment, deferment
24 of sentence, or suspension of sentence and probation. The
25 investigation shall be made by the judicial district department
26 of correctional services.

27 4. The purpose of the report by the judicial district
28 department of correctional services is to provide the court
29 pertinent information for purposes of sentencing and to include
30 suggestions for correctional planning for use by correctional
31 authorities subsequent to sentencing.

32 Sec. 241. Section 905.3, subsection 1, Code 2013, is amended
33 to read as follows:

34 1. a. The board of directors of each district department
35 shall be composed as follows:

1 ~~a.~~ (1) One member shall be chosen from and by the board
 2 of supervisors of each county in the judicial district and
 3 shall be so designated annually by the respective boards of
 4 supervisors at the organizational meetings held under section
 5 331.211.

6 ~~b.~~ (2) One member shall be chosen from each of the project
 7 advisory committees within the judicial district, which person
 8 shall be designated annually, no later than January 15, by
 9 and from the project advisory committee. However, in lieu
 10 of the designation of project advisory committee members as
 11 members of the district board, the district board may on or
 12 before December 31 appoint two citizen members to serve on the
 13 district board for the following calendar year.

14 ~~c.~~ (3) A number of members equal to the number of
 15 authorized board members from project advisory committees or
 16 equal to the number of citizen members shall be appointed by
 17 the chief judge of the judicial district no later than January
 18 15 of each year.

19 b. Within thirty days after the members of the district
 20 board have been so designated for the year, the district
 21 board shall organize by election of a chairperson, a vice
 22 chairperson, and members of the executive committee as required
 23 by subsection 2. The district board shall meet at least
 24 quarterly during the calendar year but may meet more frequently
 25 upon the call of the chairperson or upon a call signed by a
 26 majority, determined by weighted vote computed as in subsection
 27 4, of the members of the board.

28 DIVISION III

29 CONFORMING CHANGES

30 Sec. 242. Section 309.57, subsection 4, Code 2013, is
 31 amended to read as follows:

32 4. Notwithstanding section 716.7, subsection 4 2, paragraph
 33 "b", subparagraph (2), entering or remaining upon an area
 34 service "C" classification road without justification after
 35 being notified or requested to abstain from entering or to

1 remove or vacate the road by any person lawfully allowed access
2 shall be a trespass as defined in section 716.7.

3 Sec. 243. Section 321.210, subsection 2, paragraph c, Code
4 2013, is amended to read as follows:

5 c. Parking violations, meaning violation of a local
6 authority parking ordinance or violation of sections 321L.4,
7 321.366, subsection 1, paragraph "f", and 321.354 through
8 321.361 except section 321.354, subsection 1, paragraph "a".

9 Sec. 244. Section 331.211, subsection 1, paragraph b, Code
10 2013, is amended to read as follows:

11 b. Choose one of its members to be a member of the board of
12 directors of the judicial district department of correctional
13 services as provided in section 905.3, subsection 1, paragraph
14 "a", subparagraph (1).

15 Sec. 245. Section 331.321, subsection 1, paragraph x, Code
16 2013, is amended to read as follows:

17 x. A member of the judicial district department of
18 corrections as provided in section 905.3, subsection 1,
19 paragraph "a", subparagraph (1).

20 Sec. 246. Section 427B.19A, subsection 5, Code 2013, is
21 amended to read as follows:

22 5. A municipality may elect to reduce the amount of assessed
23 value of property defined in section 403.19, subsection 1, by
24 an amount equal to that portion of the amount of such assessed
25 value which was phased out for the fiscal year by operation of
26 section 427B.17, subsection 3 4. The applicable assessment
27 roll and ordinance providing for the division of taxes under
28 section 403.19 in the urban renewal taxing district shall be
29 deemed to be modified for that fiscal year only to the extent
30 of such adjustment without further action on the part of the
31 city or county implementing the urban renewal taxing district.

32 Sec. 247. Section 427B.19C, Code 2013, is amended to read
33 as follows:

34 **427B.19C Adjustment of certain assessments required.**

35 In the assessment year beginning January 1, 2003, the amount

1 of assessed value of property defined in section 403.19,
 2 subsection 1, for an urban renewal taxing district which
 3 received replacement moneys under section 427B.19A, subsection
 4 4, shall be reduced by an amount equal to that portion of the
 5 amount of assessed value of such property which was assessed
 6 pursuant to section 427B.17, subsection 3 4.

7 Sec. 248. Section 437A.3, subsection 1, paragraph a,
 8 subparagraph (1), Code 2013, is amended to read as follows:

9 (1) "*Base year assessed value*", for a taxpayer other than an
 10 electric company, natural gas company, or electric cooperative,
 11 means the value attributable to property identified in
 12 section 427A.1, subsection 1, paragraph "*h*", certified by the
 13 department of revenue to the county auditors for the assessment
 14 date of January 1, 1997, and the value attributable to property
 15 identified in section 427A.1 and section 427B.17, subsection 5
 16 8, as certified by the local assessors to the county auditors
 17 for the assessment date of January 1, 1997, provided, that
 18 for a taxpayer subject to section 437A.17A, such value shall
 19 be the value certified by the department of revenue and local
 20 assessors to the county auditors for the assessment date of
 21 January 1, 1998.

22 Sec. 249. Section 543C.3, subsection 1, Code 2013, is
 23 amended to read as follows:

24 1. There may be omitted from the offering statement any
 25 of the information required under section 543C.2, ~~subsections~~
 26 6 subsection 1, paragraph "*f*", 9 "*i*", and 10 "*j*" which the
 27 commission may by a properly promulgated rule designate as
 28 being unnecessary or inappropriate for the protection of the
 29 public interest or a purchaser.

30 Sec. 250. Section 692A.102, subsection 1, paragraph a,
 31 subparagraph (1), Code 2013, is amended to read as follows:

32 (1) Sexual abuse in the second degree in violation of
 33 section 709.3, subsection 2 1, paragraph "*b*", if committed by a
 34 person under the age of fourteen.

35 Sec. 251. Section 692A.102, subsection 1, paragraph c,

1 subparagraphs (8) and (9), Code 2013, are amended to read as
2 follows:

3 (8) Sexual abuse in the second degree in violation of
4 section 709.3, subsection 1, paragraph "a" or 3 "c".

5 (9) Sexual abuse in the second degree in violation of
6 section 709.3, subsection 2 1, paragraph "b", if committed by a
7 person fourteen years of age or older.

8 Sec. 252. Section 714.3A, subsection 1, Code 2013, is
9 amended to read as follows:

10 1. A person commits aggravated theft when the person
11 commits an assault as defined in section 708.1, subsection 1
12 2, paragraph "a", that is punishable as a simple misdemeanor
13 under section 708.2, subsection 6, after the person has removed
14 or attempted to remove property not exceeding two hundred
15 dollars in value which has not been purchased from a store or
16 mercantile establishment, or has concealed such property of the
17 store or mercantile establishment, either on the premises or
18 outside the premises of the store or mercantile establishment.

19 Sec. 253. Section 716.8, subsections 2 and 6, Code 2013, are
20 amended to read as follows:

21 2. Any person committing a trespass as defined in section
22 716.7, other than a trespass as defined in section 716.7,
23 subsection 2, paragraph "f" "a", subparagraph (6), which results
24 in injury to any person or damage in an amount more than two
25 hundred dollars to anything, animate or inanimate, located
26 thereon or therein commits a serious misdemeanor.

27 6. Any person who commits a trespass as defined in section
28 716.7, subsection 2, paragraph "f" "a", subparagraph (6),
29 commits a class "D" felony.

30 Sec. 254. Section 724.26, subsection 2, paragraph c, Code
31 2013, is amended to read as follows:

32 c. For purposes of this section, *"misdemeanor crime of*
33 *domestic violence"* means an assault under section 708.1,
34 subsection 1 2, paragraph "a" or 3 "c", committed by a current
35 or former spouse, parent, or guardian of the victim, by a

1 person with whom the victim shares a child in common, by a
2 person who is cohabiting with or has cohabited with the victim
3 as a spouse, parent, or guardian, or by a person similarly
4 situated to a spouse, parent, or guardian of the victim.

5 Sec. 255. Section 901A.2, subsection 5, Code 2013, is
6 amended to read as follows:

7 5. A person who has been convicted of a violation of section
8 709.3, subsection 2 1, paragraph "b", shall, upon a second
9 conviction for a violation of section 709.3, subsection 2 1,
10 paragraph "b", be committed to the custody of the director
11 of the Iowa department of corrections for the rest of the
12 person's life. In determining whether a conviction is a first
13 or second conviction under this subsection, a prior conviction
14 for a criminal offense committed in another jurisdiction which
15 would constitute a violation of section 709.3, subsection 2 1,
16 paragraph "b", if committed in this state, shall be considered
17 a conviction under this subsection. The terms and conditions
18 applicable to sentences for class "A" felons under chapters
19 901 through 909 shall apply to persons sentenced under this
20 subsection.

21 Sec. 256. Section 903B.10, subsection 1, Code 2013, is
22 amended to read as follows:

23 1. A person who has been convicted of a serious sex
24 offense may, upon a first conviction and in addition to any
25 other punishment provided by law, be required to undergo
26 medroxyprogesterone acetate treatment as part of any conditions
27 of release imposed by the court or the board of parole.
28 The treatment prescribed in this section may utilize an
29 approved pharmaceutical agent other than medroxyprogesterone
30 acetate. Upon a second or subsequent conviction, the court
31 or the board of parole shall require the person to undergo
32 medroxyprogesterone acetate or other approved pharmaceutical
33 agent treatment as a condition of release, unless, after an
34 appropriate assessment, the court or board determines that the
35 treatment would not be effective. In determining whether a

1 conviction is a first or second conviction under this section,
 2 a prior conviction for a criminal offense committed in another
 3 jurisdiction which would constitute a violation of section
 4 709.3, subsection 2 1, paragraph "b", if committed in this
 5 state, shall be considered a conviction under this section.
 6 This section shall not apply if the person voluntarily
 7 undergoes a permanent surgical alternative approved by the
 8 court or the board of parole.

9 DIVISION IV

10 DIRECTIVES

11 Sec. 257. CODE EDITOR DIRECTIVES.

12 1. Section 915.11, Code 2013, is amended by striking
 13 the word "website" and inserting in lieu thereof the words
 14 "internet site".

15 2. Sections 8D.9, subsection 3; 23B.3, subsection 5; 99D.7,
 16 subsection 24; 99F.4, subsection 26; 144D.2, subsection 2;
 17 256.9, subsection 57; 260C.14, subsection 22, paragraph "a";
 18 261.7, subsection 2; 262.9, subsection 33, paragraphs "a", "d",
 19 and "f"; 321.134, subsection 1; 331.553, subsection 6; 384.65,
 20 subsection 4, paragraph "c"; 421.17, subsection 28; 423.56,
 21 subsection 3, paragraph "c"; 445.37, unnumbered paragraph
 22 4; 453D.3, subsection 2, unnumbered paragraph 1; 523A.807,
 23 subsection 4; 556.17, subsection 2, paragraph "b"; and 572.34,
 24 subsections 5 through 8; Code 2013, are amended by striking
 25 the word "website" and inserting in lieu thereof the words
 26 "internet site".

27 3. Section 715.4, subsection 2, paragraph "b", Code 2013, is
 28 amended by striking the word "websites" and inserting in lieu
 29 thereof the words "internet sites".

30 4. Sections 15.115, subsection 4; 68A.401, subsection
 31 1; 68A.405, subsection 1, paragraph "a", subparagraph (3);
 32 249J.8, subsection 3; 249J.14, subsection 6; 257.31, subsection
 33 2; 279.63, subsection 3; 322.13, subsection 1; 331.439,
 34 subsection 5, paragraph "b"; 331.604, subsection 3, paragraph
 35 "b", subparagraph (2), subparagraph divisions (a) and (c);

1 331.604, subsection 3, paragraph "d"; 331.606A, subsection 6,
 2 paragraph "c"; 455B.152, subsection 4; 459A.208, subsection
 3 5, paragraph "b", subparagraph (6); 459A.208, subsection 5,
 4 paragraph "c"; 515A.6, subsection 7, paragraph "a"; 533A.8,
 5 subsection 10; 556.2C, subsection 1, paragraph "b"; 572.8,
 6 subsection 1, unnumbered paragraph 1; 572.8, subsections 2 and
 7 3; 572.13, subsection 2; 572.13A, subsection 1, unnumbered
 8 paragraph 1; 572.13A, subsection 2; 572.13A, subsection 3,
 9 paragraph "a"; 572.13B, subsection 1, unnumbered paragraph 1;
 10 572.18, subsection 1; 572.22, unnumbered paragraph 1; 572.24,
 11 subsection 2; 572.34, subsections 2, 5, 6, 7, and 8; 715.3,
 12 subsection 1; and 715C.2, subsection 4, paragraph "c"; Code
 13 2013, are amended by striking the word "website" and inserting
 14 in lieu thereof the word "site".

15 5. Sections 15.115, subsection 4; 331.604, subsection 3,
 16 paragraph "d"; 455B.807, subsection 2; Code 2013, are amended
 17 by striking the word "websites" and inserting in lieu thereof
 18 the word "sites".

19 6. Sections 15.274 and 535D.19, Code 2013, are amended by
 20 striking the word "websites" and inserting in lieu thereof the
 21 word "sites".

22 7. Sections 73.16, subsection 2, paragraph "c",
 23 subparagraph (2), and 307.49, subsection 2, Code 2013, are
 24 amended by striking the words "web page" and inserting in lieu
 25 thereof the words "internet site".

26 8. Sections 103.31, subsection 6; 256.9, subsection 50,
 27 paragraph "a"; and 260C.36, subsection 4, paragraph "b",
 28 subparagraph (1); Code 2013, are amended by striking the
 29 word "web-based" and inserting in lieu thereof the word
 30 "internet-based".

31 9. Section 237A.30, subsection 3, Code 2013, is amended by
 32 striking the word "webpage" and inserting in lieu thereof the
 33 words "internet site".

34 10. Sections 68B.35A, 147.93, 190A.4, 249J.17, 298.6, and
 35 572.10, Code 2013, are amended by striking the word "website"

1 and inserting in lieu thereof the word "site".

2 11. The Code editor is directed to remove former reserved
3 section 15.410 from part 22 of chapter 15, and add new section
4 15.410, as enacted in this Act, to part 23 of chapter 15.